हिमाचल प्रदेश सरकार

jkt i=] fgekpy insk

fgekpy insk jkT; 'kklu }kjk izdkf'kr

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fgekpy insk fo/kku lHkk lfpoky;

vf/kl puk

f'keyk&4] 12 vi²y] 2010

l{;k%fo0l0&y$t&xojue¥Y fcy@1&18@2010-&&fgekpy insk fo/kku lHkk dh ifØ;k ,oa dk;Z lapkyu fu;ekoyh] 1973 ds fu;e 140 ds vUrxZr fgekpy insk uxj fuxe ¼lkkksku½ fo/ks;d] 2010 ¼2010 dk fo/ks;d l{;kad 8½ fgekpy insk uxj ikfydk ¼lkkksku½

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foekś;d] 2010 ½2010 dk fo/ks;d I [;kd 9½] fgekpy insŚk vkŚ|ksfxd LFkkiu ½jk"Vh; vkŚ R;kśjkj vodk'k rFkk vkdfLed vkŚ chekjh NV/Vh½ I kakaksku fo/ks;d] 2010 ½2010 dk fo/ks;d I [;kd 10½ rFkk fgekpy insŚk rduhdh fo'ofo|ky; ¼LFkkiuk vkŚ fofu;eu½ fo/ks;d] 2010 ½2010 dk fo/ks;d I [;kd 11½ fnukd 12 vifŚy] 2010 dksfgekpy insŚk fo/kku I Hkk eaiji%LFkkfir fd, tk puds gÅ I o&I k/kkj.k dh I puakFkZjkti= eaefnr djusgrq ifŚr fd;s tkrsgÅA

vknśk }kjk]
gLrk{kfjr@&
I fpo]
fg0 iŚ0 fo/kku I Hkk A

fgekpy insⁿk uxj fuxe ¼la'kks/ku½ fo/ks;d] 2010

¼fo/kkulHkk eaⁿ iⁿjⁱ%LFkkfir : i eⁿ½

fgekpy insⁿk uxj fuxe vf/kfu;e] 1994 ¼1994 dk vf/kfu;e la[;kod 12½ dk vkⁿjⁱ la'kksku djus dsfy, **fo/ks;d** A

Hkkjr x.kjkT; dsbdll Boⁿo'kⁱZeaⁿ fgekpy insⁿk fo/kku laHkk }kjk fuEufyf[kr : i eⁿ;g vf/kfu;fer gkⁿ%&

1- bl vf/kfu;e dk laf{klr uke fgekpy insⁿk uxj fuxe ¼la'kkèku½ vf/kfu;e] 2010 gSA   **laf{klr uke A**

2- fgekpy insⁿk uxj fuxe vf/kfu;e] 1994 ¼ftlsbl eaⁿbl ds i"pkr~"eⁿy vf/kfu;e" dgk x;k gⁿ½ dh /kkjk 7] 8] 13] 16] 20] 31] 33] 55] 60] 63] 64] 404] 422] vkⁿj 426 eaⁿ "ik'khⁿ" "kCn tgka&tgka vkrk gⁿdsLFkku ij "egkikⁿj] mi&egkikⁿj vkⁿj ik'khⁿ" "kCn vkⁿj fpUg j[ks tk,axs A   **/kkjk 7]8]13]16]20] 31] 33] 55] 60] 63] 64] 404] 422] vkⁿj 426 dk la'kksⁿkuA**

3- eⁿy vf/kfu;e dh /kkjk 14 dh mi/kkjk ¼1½ eaⁿ "ik'khⁿ" "kCn ds LFkku ij "egkikⁿj] mi&egkikⁿj vkⁿj ik'khⁿ" "kCn vkⁿj fpUg j[ks tk,axs A   **/kkjk 14 dk la'kksⁿku A**

4- eⁿy vf/kfu;e dh /kkjk 34 dh mi/kkjk ¼1½ ds[MⁿM ¼3½ dsi"pkr~fuEufyf[kr [MⁿM vraⁱ%LFkkfir fd;k tk,xk] vFkkⁿr~%&   **/kkjk 34 dk la'kksⁿku A**

"¼p½og jkT; ljdkj dh jk; eaⁿfcuk ;qfDr;qDr grⁿd dsokMⁿZ lfefr dh rhu lsvf/kd dⁿeorⁿcⁿ dⁿavk;kⁿfitr djusⁿfoQy jgk gSA " A

5- eⁿy vf/kfu;e dh èkkjk 34 ds i"pkr~fuEufyf[kr ubⁿZ /kkjk vUrⁱ%LFkkfir dh tk,xh] vFkkⁿr~%&   **ubⁿZ /kkjk 34&d dk varⁱ%LFkkiuA**

"34-d- **egkikŝ   vkŝ mi&egkikŝ dk gVk;k tkuk&**ljdkj]

jkti= esa icdkf"kr vf/klwpuk }kjk egkikŝ vkŝ mi&egkikŝ dksgVk l dxrh
;fn ml dh jk; e&

¼i½ /kkjk 8 esa of.kr fujgrkvka ea lsfdlh lsxLr gkstkrk gŜ ;k

¼ii½ ml us egkikŝ ;k mi&egkikŝ ds :lk ea vius in dk ?kkŝ
nqlkz;kx fd;k gŜ ;k og ykijokgh ;k vfrpkj }kjk fuxe ds
fdlh /ku ;k lEifŔr dsnqiqoZu;kstu ;k gkfu dsfy, mŔrjnk;h
gŜ ;k

¼iii½ og egkikŝ ;k mi&egkikŝ ds :i ea vius dÙkÒ;ka ds fuoZgu
dsfy, "kkjhfjd ;k ekufld :i ea vleFkŴ gksx;k gŜ ;k

¼iv½ og rhu Øeorhŵekl ds nkŝ;ku fuxe dh cBdka ls vuqifLFkr
jgrk gŜ%

ijUrq bl /kkjk dsv/khu dkbŹ vkns'k djus ls iwoŻ] ;FkkfLFkfr]
egkikŝ] mi&egkikŝ dksLiqvokbŹ dk] vkŝ ,d svkns'k ds fo:)
dkj.k crkus dk ;qDr;qDr volj fn;k tk,xk A" A

6- ewy vf/kfu;e dh /kkjk 36 eŝ&

¼d½ mi/kkjk ¼1½ ds LFkku ij fuEufyf[kr mi/kkjk j[kh tk,xh]
vFkkŵr%&

"¼1½ egkikŝ vkŝ mi&egkikŝ uxj fuxe ds leLr okMks̈ ds
leLr ik= fuokƉdk a lsfeydj cuusokysfuokƉd x.k }kjk
lh/ks¼iR;{kr%½ fuokŹpr fd, tk,xsA" (

¼[k½ fo|eku iŔke ijUrqd eŝ "egkikŝ dk in" "kCnka dsLFkku ij
"fuxe dh vof/k dsnkŝju egkikŝ vkŝ mi&egkikŝ dk in"
"kCn j[ks tk,xsA(vkŝ

¼x½ mi/kkjk ¼2½ vk§ fo|eku iFke ijUrⁿd dsLFkku ij fuEufyf[kr
mi/kkjk vk§ ijUrⁿd j[kk tk,xk] vFkkⁿr%&

"¼2½ fuxe ds egkik§j vk§ mi&egkik§j ds in dh vof/k mlds
fuokˈlj¿u dh rkjh[k l s ikⁿp o'kⁿ gksxh vk§ og viuh inkof/k ds voklku ij
viusin ij ughajgsxk%

ijUrq ;fn egkik§j vk§ mi&egkik§j dk in fjDr gkstkrk gS;k vofⁿk
dsnkˈljˈⁿku eR;q ;k inR;kx dsdkj.k fjDr gkstkrk gSrksfjfDr dh vof/k ls
Ng ekl dsHkhrj mlh oxZeal s "kˈsˈk vof/k dsfy, u;k fuokˈljⁿu djok;k
tk,xk A '' A

7-   emy vf/kfu;e dh /kkjk 37 dk yksi fd;k tk,xk A   /kkjk 37 dk
                                                            yksi A

8-   emy vf/kfu;e dh /kkjk 39 e¡&   /kkjk 39 dk
                                                            lˈkˈksku A

      ¼d½ mi/kkjk ¼1½ ds i"pkr}·fuEufyf[kr ijUrⁿd var%LFkkfir
      fd;k tk,xk] vFkkⁿr%&

            "ijUrq ;fn mi&egkik§j dk in fjDr gSrks
            egkik§j viuk R;kxi= ftyk dsmik;ⁿr dksiⁿLrⁿr
            dj ldxk A" (

      ¼[k½ mi/kkjk ¼2½ ds i'pkr}·fuEufyf[kr ijUrⁿd var%LFkkfir
      fd;k tk,xk] vFkkⁿr%&

            "ijUrq ;fn egkik§j dk in fjDr gSˈrksmi&egkik§j viuk
            R;kxi= ftyk dsmik;ⁿr dksiⁿLrⁿr dj ldxk 7A (vk§

      ¼x½ mi/kkjk ¼3½ e¡ ";k mi egkik§j" "kˈCnka ds i"pkr~";k
      mik;ⁿr" "kˈCn var%LFkkfir fd, tk,xs A

9- emy vf/kfu;e dh /kkjk 44 dslk"pkr}·fuEufyf[kr ubZ /kkjk,a ubZ /kkjk,a
vUr%LFkkfir dh tk,xh] vFkkⁿr%&   44&d ls
                                                            44&¥ rd
      "44&d- okMZ lHkk&&bl vf/kfu;e dsi¿kˈstukaˈdsfy, fdlh okMZ dk
dsfuokˈlhd ukekoyh ealˈekfoˈ'V lˈeLr 0;fDr;kalsokMZ lHkk xfBr gksxh A vUr%LFkkiuA

44&[k- okMZ I Hkk dh cBdca-¼1½ okMZ I Hkk dh ,d o'kZea anks cBdca gkxh A cBd] dk;I øph I fgr ykd I øpuk ¼if(yd ukSVI½ dsi"pkr~fdl h I koZtfud LFkku ij fuokIpr okMZ ik'kīh~}kjk vk;ksftr dh tk,xh A

¼2½ vk;kÞr }kjk ukefufnZV fd, tkusokyk vf/kdkjh okMZ I Hkk dk I fpo gkxk A okMZ I Hkk dh cBdka dh dk;Zkfg;ka ds dk;Ùk I fpo }kjk vfHkfyf[kr fd, tk,xsvkSj iŘ;kd cBd dh dk;Zkfg;kads dk;Ùkrkadh ,d ifr mI ds }kjk] ;FkkfLFkfr] vk;kÞr dks vxf'kr dh tk,xh A

44&x- okMZ I fefr-¼1½ uxj ikfydk dsxBu dsNg ekI dsHkhrj xfBr dh tkusokyh uxj fuxe eaiŘ;kd okMZdsfy, ,d okMZ I fefr gkxhA

¼2½ iŘ;kd okMZ I fefr ,d v/;{k vkSj okMZ I Hkk }kjk ukefunZ"kr fd, tkusokysukSI s vuf/kd fo[;kr I nL;kals xfBr gkxh A

¼3½ mI okMZ dk ifrfuf/kRo djusokyk fuokIpr okMZ ik'kīh]- okMZ I fefr dk v/;{k gkxk %

         ijURqokMZ I fefr dsI nL;kadsde I sde ipkI ifr"kr LFkku efgykvkadsfy, vkjf{kr gkxsA

Li"Vhdj.k-&bl /kkjk ds iz;kstuka dsfy,] okMZ I Hkk ds "fo[;kr I nL;" I s fl foy I kslkbVh ds fdl h oxZ t§s fd Ik;Zoj.k] I kekftd dY;k.k] xkeh.k fodkI] LokLF;] I Łdfr] dkjckj] 0;kikj vkfn ds {ks=ka ea dk;Zr ;k mudk ifrfuf/kRo djusokysfdl h x§&I jdkjh I axBu ;k fdl h I axe ;k I eqnk; vk/kkfjr I axBu dk dkbZ0;fDr ;k dkbZifrfuf/k vfHkir gSA

¼4½ dkbZHkh 0;fDr mi/kkjk ¼2½ dsv/khu okMZ I fefr dsI nL; ds: Ik eaukefunZ"kr gkusdsfy, ;k bl indkj fujUrj cusjgusdsfy, fujfgr gks tk,xkl ;fn bl vf/kfu;e dsmiclU/kka;k rRle e; indhM fdl h vU; fof/k ds vèkhu og fuxe dsI nL; ds: Ik eafuokIpr fd, tkusgrqfujfgr gSA

¼5½ okMZ lHkk dk lfpo] okMZ lfefr dk lfpo Hkh gksxk A okMZ lfefr dh cØdkxadh dk;Ðkfg;ka dk;Ðrr lfpo }kjk vfHkfyf[kr fd, tk,xs vkÕj iÌ;snd cØd dh dk;Ðkfg;ka dk;Ðrk dh ,d ifr mlÍ }kjk fuxe dksvxfÍ'kr dh tk,xh A

¼6½ okMZ lfefr ds lnL; dh inkof/k ukefuniÍ'ku dh rkjh[k ls v<kbZo'kZgksxh vkÕj og iÌ%ukefuniÍ'ku grqik= gksxk A

44&?k- okMZ lfefr;ka dh cØdsa& v/;{k dk ;g dÙÙkÛ0; gksxk fd og lEcfÍ/kr okMZdsfodklllÍRdm ekeyka vkÕj ;kstukvka ij ppkZdjusdsfy, de lsde nkseklI ea,d ckj okMZ lfefr dh cØdka dk vk;kstu djsA

44&³- dk;Ì ph& v/;{k dk ;g dÙÙkÛ0; gksxk fd og okMZ lfefr dh cØdka dsfy, dk;Ì ph rÍ;kj djsA

44&p- okMZ lfefr dh cØdka ds lpkyu grq ifdz;k& okMZ lfefr dh cØdka dk lpkyu djrsgq fuEufyf[kr ifdz;k dk vuqÍj.k fd;k tk,xk] vFkkÛr%&

¼i½ okMZ lfefr cØdkxadh ;ÌDr;Ìr lpuk ¼ukfVl½ de lsde ,d lrkg iwZnh tk,xh vkÕj fuxe vkÕj lEc) okMZdsdk;kZy; ea lpuk iVV ij j[kh tk,xh A

¼ii½ okMZ lfefr cØdkxads dk;Ðrr lfpo }kjk j[ks tk,xs vkÕj og okMZ lfefr dsdk;kZy; eatu lk/kkj.k dsvoykdukukFkZmiyÔCk djok, tk,xsA

¼iii½ ;sdk;Ðrr okMZ lfefr dh vxyh cØd eaiÌ'V grqiÌLrqr fd, tk,xs A

44&N- fujgZrk,a& ;fn dkbZ lnL; okMZ lfefr dh rhu Øeorh cØdkea mifLFkr jgusea vlQy jgrk gSrks v/;{k ,Is ls lnL; dksgVk, tkusgrqokMZ lHkk ds le{k bl dsvuqeknu dsfy, ladYi yk ldxk A ,Is ls

IadYi dsvuqekuu ij] ,slk InL; okMZI fefr I sgVk;k x;k I e>k tk,xk
vkSj mI dsLFkku ij okMZI Hkk fdI h vU; 0;fDr dksukefunsZ'kr dj I dxhA

44&t- okMZI fefr dsdÙkZO; vkSj dR;-& okMZI fefr fuEufyf[kr
dÙkZO; vkSj ÑR;ka dk fuoZgu vkSj ikyu djxh] vFkkZr%&

¼d½ okf'kZd okMZ ;kstuk r$kkj djuk vkSj mI s fuxe dh okf'kZd
　　;kstuk ds I kFk ,dhdj.k dsfy, fuxe dksvxf'kr djuk(

¼[k½ I Ec) okMZ dsfy, fuxe }kjk vuqekfnr fofHkUu fodkI kRed
　　Ldheka dk mfpr dk;kZUo;u I qfuf'pr djuk(

¼x½ okMZeaBkI dpjk iczU/ku ea I gk;rk inku djuk(

¼?k½ okMZea LoPNrk dk;Z dk I k;a{k.k djuk (

¼3½ okMZ dsfy, fodkI kRed Ldhe ¼ea r$kkj djuse avkSj muds
　　i{kI kgu gsrq I gk;rk inku djuk(

¼p½ okMZea ykxka ds fofHkUu I egqka ds ykxka ds e/; I kfgknZ vkSj
　　,drk dks i{kI kgu nsuk(

¼N½ okMZI sI EcfU/kr fodkI kRed Ldheka dsdk;kZUo;u ea I gk;rk
　　inku djuk(

¼t½ fodkI kRed vkSj dY;k.kdkjh Ldheka ds dk;kZUo;u dsfy,
　　fgrkf/kdkfj;ka dh igpku dsfy, I gk;rk inku djuk(

¼>½ dyk vkSj I kLÑfrd xfrfof/k;ka vkSj ØhMk ¼[ksydwn½ xfrfofèk;ka
　　vkSj [ksyka dksi{kI kfgr djuk(

¼÷½ fuxe dsfodkI kRed fdz;kdykika dsI Qy dk;kZUo;u dsfy,
　　vko";d LoPNd dk;Z dykika eaykxkadh Hkkxhnkjh I qfuf'pr
　　djuk(

¼V½ lEc) okMZ ds Hkhrj lkeqnkf;d ty uy] lkoZtfud dq¡]
lkoZtfud LoPNrk bdkbZ;ka vkSj ,slh vU; lkoZtfud lq[k&lqfoèkk
Ldheka dk l¡pko nsuk(

¼B½ okMZ ea ty ink; vkSj xyh ykbfVax ¼iadk'k½ 0;oLFkkvka ea
dfe;ka dks ifjyf{kr djuk vkSj mipkjh mik;ka dk lq¡pko nsuk(

¼M½ fuxe dksnu; djka] Qhlka vkSj cdk;ka dsl kef;d laxg.k
grq fuxe ikf/kdkfj;ka dks vko";d lgk;rk nsuk (

¼<½ iLrko@;kstuk,a r§lkj djuk vkSj okMZ ea dk;kZfUor dh tkus
okyh Ldheka vkSj fodkl kkRed dk;Zdeka dh ikFkfedrk vo/kkfjr
djuk(

¼.k½ okMZ lHkk ds Hkhrj vf/kd 0;ofLFkr rjhds lslk;kZoj.kh; ifrQyka
dks ,dhÑr djrs gq] lexz lk;kZoj.kh; fLFkfr ea lq/kkj@
mUu;u djuk(vkSj

¼r½ ,sl vU; ÑR;ka dk ikyu djuk tksbl fuxe }kjk lequf"kr
fd, tk,aA

44&>- lpuk ikkr djus dk vf/kdkj-& ¼1½ okMZ lfefr ds
vè;{k vkSj lnL;ka dksokMZ ls lEcfU/kr fdlh Hkkh ekeysi j vk;qDr ls lpuk
ikkr djus dk vf/kdkj gksxk A

¼2½ okMZ lfefr viusikl fofufnZV ekeykadh ckcr dkfyd fjiksV/ka
fuxe dksiLrqr djxh A

44&¥- vk;qDr ds ÑR;-& vk;qDr fdlh ljdkjh vuqn'k ;k bl
vfèkfu;e ds micU/kka ds mYya?ku ea okMZ lfefr dk dkbZ dk;Z ;k ikfjr
ladYi fuxe ds/;ku ea yk,xk %

ijUrq ;fn ,slk dk;Z ;k yksi iUnzg fnu dsHkhrj ifj'kkf/kr ugha
fd;k tkrk gS] rks vk;Dr ,sls yksi ;k mYya?ku dksjkT; ljdkj ds
/;ku esa yk,xk A

/kkjk 54 dk lakk'kks/kuA	**10-** ewy vf/kfu;e dh /kkjk 54 eas& ¼d½ mi/kkjk ¼1½ dsLFkku ij fuEufyf[kr mi/kkjk j[kh tk,xh] vFkkZr~%& "¼1½ vke fuokZpu dsi"pkr~ fuxe dh iFke cSBd ;Fkk"kh?kz cqykbZ tk,xh ijUrq u fd /kkjk 13 ds v/khu fuxe ds fuokZpuksdsifj.kkekdsisdk"ku ls rhl fnu dsi"pkr~A"(vkSj ¼[k½ mi/kkjk ¼2½ vkSj ¼3½ dk yksi fd;k tk,xk A
/kkjk 56 vkSj 58 dk lakkskkuA	**11-** ewy vf/kfu;e dh /kkjk 56 ea] "ik'kZh" rFkk "lHkh ik'kZh' "kCnka ls iwoZ "egkikSj vkSj mi&egkikSj lfgr " "kCn rFkk /kkjk 58 ea "l nL;ka ds" "kCnka ds LFkku ij "egkikSj vkSj mi&egkikSj lfgr ik'kZh rFkk "de l s de pkj ik'kZh' "kCnka ls iwoZ "egkikSj vkSj mi&egkikSj lfgr" "kCn j[ks tk,xs A
/kkjk 413 dk lakkskkuA	**12-** ewy vf/kfu;e dh /kkjk 413 ea& ¼d½ "ik'kZhka dk nkf;Ro "kh'kZd dsLFkku ij", "egkikSj] mi&egkikSj vkSj ik'kZhka dk nkf;Ro" "kh'kZd j[kk tk,xkA (vkSj ¼[k½ mi/kkjk ¼1½ ea "iR;sd ik'kZh~rFkk ik'kZh" "kCn] tgka&tgka ;s vkrsgSadsLFkku ij] "egkikSj] mi&egkikSj vkSj ik'kZh" "kCn j[ks tk,xs A
/kkjk 414 dk lakkskkuA	**13-** ewy vf/kfu;e dh /kkjk 414 ea "iR;sd ik'kZh" "kCnka dsLFkku ij "egkikSj] mi&egkikSj vkSj ik'kZh" "kCn j[ks tk,xs A

mnn'; ka vk§ dkj.kka dk dFku

orekur% fgekpy ins'k uxj fuxe vf/kfu;e] 1994 ea uxj fuxe ds egkik§ vk§ mi&egkik§ ds lh/ks¼iR;{k½ fuokpu dsfy, dkbZ micU/k ughagSA cnyh gbZ ifjfLFkfr;ka ea fuxe dsfuokpr ik'khkka ea lsviR;{k fuokpuka dh oreku i)fr dsLFkku ij fuxe dslemLr okMkds ernkrkvka }kjk egkik§ vk§ mi&egkik§ ds lh/ks¼iR;{k½ fuokpuka dsfy, micka djuk vko";d le>k x;k gSA vr%bl mnns; dh iifflr dsfy, fuxe dslemLr okMkdsernkrkvka }kjk egkik§ vk§ mi&egkik§ ds lh/ks¼iR;{k½ lh/ksfuokpu dsfy, micU/k djrs gq,] iimkDr vf/kfu;e dk ;Fkkfpr : lk lla'kksku djuk dk fofu"p; fd;k x;k gSA bl dsvfrfjDr fuxe dh fodkllRed Ldhekka vk§ ;kstukvka dks cUkkuse tu lk/kkj.k dh Hkkxhnkjh vk§ mudslefpr dk;kVo;u dks lfquf"pr djuk dsfy,]uxjikfydk ealR;d okMZ dsfy,] okMZ lHkk vk§ okMZ lefr dh LFkkiuk grqmiclk djuk iLrko fd;k x;k gSA vr%imkDr vf/kfu;e ea lla'kksku djuk vko";d gksx;k gSA

;g fo/ks;d mi;qDr mnns";ka dh ifirZ dsfy, gSA

¼egkhnz flag½
iHkkjh eU=hA

f"keyk%
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& & & & & &

foRrh; Kkiu

&"kttU; &

iR;k;kfstr fo/kku I EcU/kh Kkiu

&"kttU; &

Bill No. 8 of 2010

THE HIMACHAL PRADESH MUNICIPAL CORPORATION (AMENDMENT) BILL, 2010

(As Introduced in the Legislative Assembly)

A

BILL

further to amend the Himachal Pradesh Municipal Corporation Act, 1994 (Act No. 12 of 1994).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Sixty-first Year of the Republic of India as follows :—

1. This Act may be called the Himachal Pradesh Municipal Cor- poration (Amendment) Act, 2010.

Short title.

2. In sections 7, 8, 13, 16, 20, 31, 33, 55, 60, 63, 64, 404, 422 and 426 of the Himachal Pradesh Municipal Corporation Act, 1994 (hereinafter referred to as the 'principal Act') , for the word "Councillor" wherever it occur, the words and sign "Mayor, Deputy Mayor and Council- lor" shall be substituted.

Amendment of section 7, 8, 13, 16, 20, 31, 33, 55, 60, 63, 64, 404, 422 and 426.

3. In section 14 of the principal Act, in sub-section (1), for the words "Councillor shall be called in question except by an election petition presented to the Revenue Commissioner'', the words and sign "Mayor, Deputy Mayor and Councillor shall be called in question except by any elec- tion petition presented to the Divisional Commissioner" shall be substituted.

Amendment of section 14.

4. In section 34 of the principal Act, in sub-section (1), after clause (e), the following clause shall be inserted, namely:—

Amendment of section 34.

"(f)   he has without reasonable cause in the opinion of the State Government fails to convene more than three consecutive meet- ings of the Ward Committee.".

5. After section 34 of the principal Act, the following new section shall be inserted, namely :—

Insertion of new section 34-A.

"34-A. Removal of Mayor and Deputy Mayor.- The Government may, by notification published in the Official Gazette, remove the Mayor and Deputy Mayor, if in its opinion—

(i) he becomes subject to any of the disqualifications mentioned in section 8; or

(ii) he has flagrantly abused his position as a Mayor or Deputy Mayor or has through negligence or misconduct or responsible for the loss or mis-appropriation of any money or property of the Corporation; or

(iii) he has become physically or mentally incapacitated for performing his duties as a Mayor or Deputy Mayor; or

(iv) he absents himself during three successive months from the meetings of the Corporation :

Provided that before making an order under this section, reasonable opportunity shall be given to the Mayor, Deputy Mayor, as the case may be, to be heard and to show cause against such an order.".

Amendment of section 36.

6. In section 36 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely :—

"(1) The Mayor and the Deputy Mayor shall be elected directly by an electoral college consisting of all eligible electorates of all the wards of Municipal Corporation.";

(b) in the existing first proviso, for the words "the office of the Mayor", the words "during the duration of the Corporation the office of the Mayor and Deputy Mayor" shall be substituted. ; and

(c) for sub-section (2) and existing first proviso, the following sub-section and proviso shall be substituted, namely :—

"(2) The term of the office of Mayor and Deputy Mayor of the Corporation shall be five year from the date of his election,

and he shall cease to hold his office on the expiry of his term of office:

Provided that if the office of the Mayor or Deputy Mayor is vacated or falls vacant during the tenure on account of death or resignation, a fresh election within a period of six months of the vacancy shall be held from the same category, for the remainder period: ".

7.   Section 37 of the principal Act shall be omitted.

<div style="float:right">Omission of section 37.</div>

8.   In section 39 of the principal Act,—

<div style="float:right">Amendment of section 39.</div>

(a)   after sub-section (1), the following proviso shall be inserted, namely:—

"Provided that if the office of the Deputy Mayor is vacant, then the Mayor may submit his resignation to the Deputy Commissioner of the District.";

(b)   after sub-section(2), the following proviso shall be inserted, namely:—

"Provided that if the office of the Mayor is vacant, then the Deputy Mayor may submit his resignation to the Deputy Commissioner of the District."; and

(c)   in sub-section (3), after the words "or Deputy Mayor," the words "or the Deputy Commissioner" shall be inserted.

9.   After section-44 of the principal Act, the following new sections shall be inserted, namely :—

<div style="float:right">Insertion of new sections 44-A to 44-J.</div>

"44-A. Ward Sabha .— All persons comprised in the electoral roll of a ward shall constitute the Ward Sabha for the purposes of this Act.

44-B. Meetings of Ward Sabha .— (1) There shall be two meetings of the Ward Sabha in a year. The meeting shall be convened by the elected ward Councillor at a public place after public notice alongwith agenda.

(2) The officer, to be nominated by the Commissioner, shall be the Secretary of the Ward Sabha. The minutes of the proceedings of the meetings of the Ward Sabha shall be recorded by the Secretary and a copy of minutes of the proceedings of each meeting shall be forwarded by him to the Commissioner.

44-C. Ward Committee .— (1) There shall be a Ward Committee for each ward in the Corporation to be constituted within six months of the constitution of Corporation.

(2)   Each Ward Committee shall consist of a President and not exceeding nine eminent members, to be nominated by the Ward Sabha.

(3)   The elected Ward Councillor representing that ward shall be the President of the Ward Committee :

Provided that at least fifty per cent seats of members of the Ward Committee shall be reserved for women.

Explanation.— For the purposes of this section, "eminent member" of Ward Sabha means any person or a representative of a non-government organization or an association or a community based organization working for or representing any section of civil society in fields such as environment, social welfare, rural development, health, culture, business, trade etc.

(4)   A person shall be disqualified for being nominated as a member of the Ward Committee under sub-section (2) or to continue as such if, under the provisions of this Act or any other law for the time being in force, he is disqualified for being elected as a member of the Corporation.

(5)   The Secretary of the ward Sabha shall also be the Secretary of the Ward Committee. The minutes of the proceedings of the meetings of the Ward Committee shall be recorded by the Secretary and a copy of minutes of the proceedings of each meeting shall be forwarded by him to the Corporation.

(6) The term of office of the member of the Ward Committee shall be two and half years from the date of nomination and he shall be eligible for re-nomination.

44-D. Meetings of Ward Committees . - It shall be the duty of the President to conduct meetings of the ward Committee at least once in two months for discussing the developmental issues and plans of the ward concerned.

44-E. Agenda .- It shall be the duly of the President to set agenda for the meetings of the   Ward Committee .

44-F. Procedure for conduct of Ward Committee meetings.— Following procedure shall be followed while conducting meetings of the Ward Committee, namely:-

> (i) reasonable notice of the Ward Committee meetings shall be given at least one week in advance and placed on the notice board in the office of Corporation and in the ward concerned;

> (ii) minutes of the Ward Committee meetings shall be maintained by the Secretary and the same shall be made available to the general public for perusal at the office of the Ward Committee; and

> (iii) the minutes shall be presented at the next meeting of the Ward Committee for confirmation.

44-G. Disqualifications .— If a Member fails to attend three consecutive meetings of the Ward Committee, then the President may bring a resolution before the Ward Sabha, for removal of such member, for its approval. On approval of such resolution, such member shall stand removed from the Ward Committee and in his place, the Ward Sabha may nominate another person.

44-H. Duties and functions of the Ward Committee.— The Ward Committee shall discharge and perform the following duties and functions, namely:—

> (a) to prepare annual ward plan and forward the same to the Corporation for its integration with annual plan of the Corporation;

(b) to ensure proper implementation of various developmental schemes approved by the Corporation for the concerned ward;

(c) to provide assistance in solid waste management in the ward;

(d) to supervise sanitation work in the ward;

(e) to provide assistance for the preparation and encouragement of the developmental scheme(s) for the ward;

(f) to encourage harmony and unity among various groups of people in the ward;

(g) to provide assistance in the implementation of developmental schemes relating to the ward;

(h) to provide assistance for identification of beneficiaries for the implementation of development and welfare schemes;

(i) to encourage art and cultural activities and sports activities and games;

(j) to ensure people's participation in the voluntary activities necessary for successful implementation of the developmental activities of the Corporation;

(k) to suggest community water taps, public wells, public sanitation units, and such other public amenity schemes within the ward concerned ;

(l) to identify the deficiencies in the water supply and street lighting arrangements in the ward and suggest remedial measures;

(m) to render necessary assistance to the Corporation Authorities for timely collection of taxes, fees and other arrears due to the Corporation;

(n) to generate proposals/plans and determine the priority of scheme and developmental programmes to be implemented in the Ward;

(o) to improve / promote the overall environment situation by inte-grating environmental considerations more systematically within the Ward Sabha: and

(p) to perform such other functions as may be assigned to it by the Corporation .

44-I. Right to seek information .- (1) The President and the mem-bers of the Ward Committee shall have the right to seek information from the Commissioner, on any matter relating to the ward ;

(2)   The Ward Committee shall submit periodical reports to the Cor-poration in respect of the matters specified theirin.

44-J. Function of the Commissioner.— The Commissioner shall bring to the notice of the Corporation any act or resolution of the Ward Committee which is done or passed in contravention of any of the Govern-ment instructions or the provisions of this Act ; provided that if such act or omission is not rectified within 15 days, the Commissioner shall bring such omission or violation to the notice of the State Government.".

10.   In section 54 of the principal Act—

(a)   for sub-section (1), the following sub-section shall be sub-stituted, namely:— "(1) The first meeting of the Corpora-tion, after general election, shall be held as early as possible but not later than 30 days after the publication of the results of elections of Corporation under section   13." ; and

(b)   sub-sections (2) and (3) shall be omittted.

Amendment of section 54.

11.   In sections 56 and 58 of the principal Act, after the word "Coun-cillors" wherever it occur, the words "including Mayor and Deputy Mayor" shall be inserted.

Amendment of section 56 and 58.

12.   In section 413 of the principal Act ,—

(a)   for the heading "Liability of Councillors", the heading "Liability of Mayor, Deputy Mayor and Councillors" shall be substituted.; and

(b)   in sub-section (1), for the word "Councillor" wherever it occur, the words and sign "Mayor, Deputy Mayor and Councillor" shall be substituted.

Amendment of section 413

13.   In section 414 of the principal Act, for the words "Every Coun-cillors", the words and sign "Mayor, Deputy Mayor and Councillor" shall be substituted.

Amendment of section 414.

STATEMENT OF OBJECTS AND REASONS

Presently there is no provision of direct election of Mayor and Deputy Mayor of the Municipal Corporation in the Himachal Pradesh Municipal Corporation Act, 1994. In the changed circumstances, it is felt necessary to make provision for direct elections of Mayor and Deputy Mayor by the voters of all the wards of the Corporation instead of present system of indirect elections from amongst the elected Councillors of the Corporation. Thus, in order to achieve the objective, it has been decided to amend the Act ibid suitably and to make provision for direct election of Mayor and Deputy Mayor by the voters of all the wards of the Corporation. Further, in order to ensure public participation in formulation of development schemes and plans of the Corporation and their proper implementation, it has been proposed to make a provision for establishment of ward Sabha and Ward Committee for each Ward in the Corporation. This has necessitated amendment in the Act-ibid.

This Bill seeks to achieve the aforesaid objectives.

MAHENDER SINGH,
Minister-in-charge.

Shimla

The ……… 2010

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FINANCIAL MEMORANDUM

—Nil—

MEMORANDUM REGARDING DELEGATED LEGISLATION

—Nil—

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Bill No. 9 of 2010

THE HIMACHAL PRADESH MUNICIPAL (AMENDMENT) BILL, 2010

(As Introduced in the Legislative Assembly)

A

BILL

further to amend the Himachal Pradesh Municipal Act, 1994 (13 of 1994).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Sixty-first Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Himachal Pradesh Municipal (Amendment) Act, 2010.

Amendment of section 10.

2. In section 10 of the Himachal Pradesh Municipal Act, 1994, (hereinafter referred to as the "principal Act"),—

(a) in sub-section (1), after the words and sign "consist of," the words and signs "President, Vice-President and" shall be inserted; and

(b) in sub-section (2), after the words "in that municipality", the words and sign "including the President and the Vice-President" shall be inserted; and after sub-clause (ii) of clause (a) of this sub-section, the following proviso shall be inserted, namely :—

"Provided that the President and Vice-President shall be elected in accordance with provisions of section 22.".

Amendment of section 11.

3. In section 11 of the principal Act,—

(a) in sub-section (1), after the words "by direct election", the words "excluding the seat for President and Vice-

President" shall be inserted, and thereafter, the following proviso shall be inserted, namely :—

"Provided that reservation for seat of President and Vice-President shall be made in accordance with the provisions of section 12.".

4. In section 13 of the principal Act, for the word "members" wherever it occur, the words and signs "President, Vice-President and members" shall be substituted.

Amendment of section 13.

5. In section 17 of the principal Act, after the words "who is chosen as a", the words and signs "President or Vice-President or a" shall be inserted.

Amendment of section 17.

6. In section 18 of the principal Act,—

Amendment of section 18.

(a) in sub-section (1), after the words and sign "by notification, remove", the words and signs "President or Vice-President or" shall be inserted; and

(b) In proviso, after the words "no removal of a", the words and signs "President or Vice-President or" shall be inserted.

In section 18 of the principal Act, in sub-section (1), after clause (g), the following clause shall be inserted, namely:—

"(h) he has without reasonable cause in the opinion of the State Government fails to convene more than three consecutive meetings of the Ward Committee.".

7. In sections 19 and 21 of the principal Act, for the word "member" wherever it occur, the words "office bearer" shall be substituted.

Amendment of sections 19 and 21.

8. For section 22 of the principal Act, the following section shall be substituted, namely:—

Substitution of section 22.

"22. Election of President and Vice-President.—There shall be direct elections for the President and Vice-President by an electoral college consisting of all eligible voters of all the wards of Municipal Council or Nagar Panchayat, as the case may be :

Provided that the office of President and Vice-President in Municipal Councils and Nagar Panchayats shall be reserved for Scheduled Castes, Scheduled Tribes and woman in accordance with the provisions of section12:

Provided further that if the office of the President or Vice-President is vacated during his tenure on account of death, resignation or removal, a fresh election for the remainder of the period shall be held from the same category.".

Amendment of section 23.

9.   In section 23 of the principal Act, in sub-section (1), the words "as a member" shall be deleted.

Amendment of section 24.

10.   In section 24 of the principal Act,—

(a)   after sub-section (1), the following proviso shall be inserted, namely :—

"Provided that if the office of the Vice-President is vacant, then the President may submit his resignation to the Deputy Commissioner of the District.";

(b)   after sub-section (2), the following proviso shall be inserted, namely :—

"Provided that if the office of the President is vacant, then the Vice-President may submit his resignation to the Deputy Commissioner of the District."; and

(c)   In sub-section (3), after the words "or the President", the words "or the Deputy Commissioner" shall be inserted.

Omission of section 25.

11. Section 25 of the principal Act shall be omitted.

12. In section 27 of the principal Act,—

(a) in sub-section (1), for the words "and no member", the words "and no office bearers" shall be substituted.; and

(b) for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) Every election of a office bearer shall be published in the Official Gazette by the State Election Commission within 30 days from the date of declaration of such election.".

13. After section-51 of the principal Act, the following new sections shall be inserted, namely :—

"51-A. Ward Sabha.—All persons comprised in the electoral roll of a ward shall constitute the Ward Sabha for the purposes of this Act.

51-B. Meetings of Ward Sabha.—(1) There shall be two meetings of the Ward Sabha in a year. The meeting shall be convened by the elected ward Member at a public place after public notice alongwith agenda.

(2) The officer, to be nominated by the Executive Officer or Secretary, as the case may be, shall be the Secretary of the Ward Sabha. The minutes of the proceedings of the meetings of the Ward Sabha shall be recorded by the Secretary and a copy of minutes of the proceedings of each meeting shall be forwarded by him to the Executive Officer or Secretary, as the case may be.

51-C. Ward Committee.—(1) There shall be a Ward Committee for each ward in the Municipality to be constituted within six months of the constitution of municipality.

(2) Each Ward Committee shall consist of a President and not exceeding nine eminent members, to be nominated by the Ward Sabha.

(3) The elected Ward Member representing that ward shall be the President of the Ward Committee:

Provided that at least fifty per cent seats of members of the Ward Committee shall be reserved for women.

Explanation.—For the purposes of this section, "eminent member" of Ward Sabha means any person or a representative of a non-government organization or an association or a community based organization working for or representing any section of civil society in fields such as environment, social welfare, rural development, health, culture, business, trade etc.

(4) A person shall be disqualified for being nominated as a member of the Ward Committee under sub-section (2) or to continue as such if, under the provisions of this Act or any other law for the time being in force, he is disqualified for being elected as a member of municipality.

(5) The Secretary of the Ward Sabha shall also be the Secretary of the Ward Committee. The minutes of the proceedings of the meetings of the Ward Committee shall be recorded by the Secretary and a copy of minutes of the proceedings of each meeting shall be forwarded by him to the municipality.

(6) The term of office of the member of the Ward Committee shall be two and half years from the date of nomination and shall be eligible for re-nomination.

51-D. Meetings of Ward Committee.—It shall be the duty of the President to conduct meetings of the Ward Committee at least once in two months for discussing the developmental issues and plans of the ward concerned.

51-E. Agenda.—It shall be the duly of the President to set agenda for the meetings of the Ward Committee.

51-F. Procedure for conduct of Ward Committee meetings.— Following procedure shall be followed while conducting meetings of the Ward Committee, namely:—

(i)   reasonable notice of the Ward Committee meetings shall be given at least one week in advance and placed on the notice board in the officer of the municipality and in the ward concerned;

(ii)   minutes of the Ward Committee meetings shall be maintained by the Secretary and the same shall be made available to the general public for perusal at the office of the Ward Committee; and

(iii)   the minutes shall be presented at the next meeting of the Ward Committee for confirmation.

51-G. Disqualifications.—If a Member fails to attend three consecutive meetings of the Ward Committee, then the President may bring a resolution before the Ward Sabha, for removal of such member, for its approval. On approval of such resolution, such member shall stand removed from the Ward Committee and in his place, the Ward Sabha may nominate another person.

51-H. Duties and functions of the Ward Committee.—The Ward Committee shall discharge and perform the following duties and functions, namely :—

(a)   to prepare annual ward plan and forward the same to the municipality for its integration with annual plan of the municipality;

(b)   to ensure proper implementation of various developmental schemes approved by the municipality for the concerned ward;

(c)   to provide assistance in solid waste management in the ward;

(d)   to supervise sanitation work in the ward;

(e)   to provide assistance for the preparation and encouragement of the developmental scheme(s) for the ward;

(f)   to encourage harmony and unity among various groups of people in the ward;

(g)   to provide assistance in the implementation of developmental schemes relating to the ward;

(h)   to provide assistance for identification of beneficiaries for the implementation of development and welfare schemes;

(i)   to encourage art and cultural activities and sports activities and games;

(j)   to ensure people's participation in the voluntary activities necessary for successful implementation of the developmental activities of the municipality;

(k)   to suggest community water taps, public wells, public sanitation units, and such other public amenity schemes within the ward concerned;

(l)   to identify the deficiencies in the water supply and street lighting arrangements in the ward and suggest remedial measures;

(m)   to render necessary assistance to the municipality Authorities for timely collection of taxes/fees and other arrears due to the municipality;

(n)   to generate proposals/plans and determine the priority of scheme and developmental programmes to be implemented in the ward;

(o)   to improve/promote the overall environment situation by integrating environmental considerations more systematically within the ward Sabha; and

(p) to perform such other functions as may be assigned to it by the municipality.

51-I. Right to seek information.—(1) The President and the members of the Ward Committee shall have the right to seek information from the Executive Officer or Secretary, as the case may be, on any matter relating to the ward.

(2) The Ward Committee shall submit periodical reports to the municipality in respect of the matters specified theirin.

51-J. Functions of the Executive Officer and Secretary.—The Executive Officer or Secretary, as the case may be, shall bring to the notice of the municipality any act or resolution of the Ward Committee which is done or passed in contravention of any of the Government instructions or the provisions of this Act; provided that if such act or omission is not rectified within 15 days, the Executive Officer or Secretary, as the case may be, shall bring such omission or violation to the notice of the State Government.".

14. In section 272 of the principal Act, for sub-section (4), the following sub-section shall be substituted, namely:— Amendment of section 272.

"(4) In the event of both the President and the Vice-President of a municipality being suspended under sub-section (1) or sub-section (2), the State Government shall nominate one of the elected members of the municipality who is senior most in age, to hold the office of President or Vice-President, as the case may be, and such person shall perform all the duties and exercise all the powers of President or Vice-President, as the case may be, during the period for which suspension continues.".

STATEMENT OF OBJECTS AND REASONS

Presently section 22 of the Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994) provides for indirect election of President and Vice-President from amongst the elected members of the municipality. In the changed circumstances, it is imperative to make provision for direct election of President and Vice-President by the voters of all the municipal wards instead of indirect election. Thus, in order to achieve the objective, it is considered essential to make provisions for the direct election of the President and Vice-President of the Municipalities. Further, in order to ensure public participation in formulation of development schemes and plans of the municipalities and their proper implementation, it has been proposed to make a provision for establishment of ward Sabha and Ward Committee for each Ward in the Municipality. This has necessitated amendments in the Act-*ibid*.

This Bill seeks to achieve the aforesaid objectives.

MAHENDER SINGH,
Minister-in-Charge.

Shimla :

The ………. March, 2010.

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FINANCIAL MEMORANDUM

—NIL—

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MEMORANDUM REGARDING DELEGATED LEGISLATION

—NIL—

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Bill No. 10 of 2010

THE HIMACHAL PRADESH INDUSTRIAL ESTABLISHMENTS (NATIONAL AND FESTIVAL HOLIDAYS CASUAL AND SICK LEAVE) AMENDMENT BILL, 2010

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

further to amend the Himachal Pradesh Industrial Establishments (National and Festival Holidays and Casual and Sick Leave) Act, 1969 (Act No.7 of 1970).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Sixty-first Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Himachal Pradesh Industrial Establishments (National and Festival Holidays and Casual and Sick Leave) Amendment Act, 2010.

Amendment of section 3.

2. In section 3 of the Himachal Pradesh Industrial Establishments (National and Festival Holidays and Casual and Sick Leave) Act, 1969 (hereinafter referred to as the "principal Act"), in sub-section (1), for clause (b), the following clause shall be substituted, namely**:—**

"(b) five other holidays on any of the festivals specified in the Schedule, out of which one shall be the Himachal Day and the other shall be the Statehood Day.".

Amendment of section 9.

3. In section 9 of the principal Act, for the words "one hundred" and "two hundred and fifty", the words "one thousand" and "two thousand and five hundred" shall respectively be substituted.

Amendment of section 11.

4. In section 11 of the principal Act, for the words "five hundred", the words "five thousand" shall be substituted.

5. After section 12 of the principal Act, the following section shall be inserted, namely:—

"12 A. Composition of offences.—(1) An officer not below the rank of Labour Officer specifically authorized by the State Government, by notification, may, on an application made by the accused, compound any offence whether committed before or after commencement of this Act, by accepting an amount which shall not be less than fifty per cent of the penalty provided for the particular offence.

(2) Where an offence has been compounded under sub-section (1), the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of such offence:

Provided that if a person commits similar offence again within the period of two years from the date of composition of first offence, the same shall not be compounded.".

6. In section 13 of the principal Act, in sub-section (1), in clause (a), for the words "five hundred", the words "ten thousand" shall be substituted.

7. In section 15 of the principal Act, in sub-section (3), for the word "fifty", the words "five hundred" shall be substituted.

8. For the existing Schedule appended to the principal Act, the following Schedule shall be substituted, namely:—

"THE SCHEDULE

[See section 3 (1) (b)]

1. New Year's Day.
2. Statehood Day.
3. Basant Panchami.
4. Guru Ravi Dass's Birthday.

5.   Shivratri.
6.   Holi.
7.   Id-ul-fiter.
8.   Ram Naumi.
9.   Lord Mahavira's Birthday.
10. Good Friday.
11. Vaisakhi.
12. Himachal Day.
13. Id-ul-Zuha.
14. Muharram.
15. Solan fair.
16. Milad-un-Nabi.
17. Janam Ashtmi.
18. Bawan Dwadashi fair (Nahan).
19. Raksha Bandhan.
20. Minjar fair (Chamba).
21. Dussehra.
22. Maharishi Balmiki's Birthday.
23. Lavi Fair (Rampur).
24. Diwali.
25. Lala Lajpat Rai's Death Anniversary.
26. Guru Nanak's Birthday.
27. Lohri.
28. Guru Gobind Singh's Birthday.
29. Vishwa Karma Jayanti.
30. Christmas Day.
31. May Day.
32. Nalwar fair of Bilaspur.
33. Dussehra of Kullu.
34. Hamir Utsav.
35. Una Maha Utsav.
36. Tribal fair (Kinnaur).
37. Renuka fair.
38. Makar Sakranti.
39. Bhaiya Dooj.
40. Karuva Chauth.".

STATEMENT OF OBJECTS AND REASONS

The Himachal Pradesh Industrial Establishments (National and Festival Holidays and Casual and Sick Leave) Act, 1969 (Act No. 7 of 1970) provides for the grant of National and Festival holidays and causal and sick leave to persons employed in Industrial Establishments in Himachal Pradesh. Various fairs of different regions of State have been declared as National fairs and State fairs by the State Government after enactment of this Act and many other fairs are also being celebrated in different regions of the State, which are famous local fairs of that particular region, but the workers employed in the Industrial Establishments in the State have to either forgo celebrating the festival or forgo their wages for that day. Demand has come from various corners of the State that the State Hood Day should be observed as paid holiday in factories and other industrial establishments in the State so that the workmen employed therein may also celebrate the **State Hood Day.** If these fairs/festivals are included in the Schedule, the workers of that particular region will get an opportunity to celebrate their favourite fair/festival without loss of wages. Further, at the time of enactment of this legislation the minimum wages of workers were low. The rates of minimum wages have been enhanced from time to time and at present the minimum wages for unskilled workers is Rs. 3000/- per month which is likely to be increased to Rs. 3300/- per month. As per provisions of the Payment of Wages Act, 1936 and The Employees State Insurance Act, 1948, persons drawing wages upto Rs. 10,000/- are covered under the definition of worker, therefore, an upward revision in the exemption ceiling under section 13 is essential so that the workers may reap the benefits of this legislation. Further, the penalties provided in this Act are very nominal which also need to be enhanced commensurate with the present times. Further, in order to save the industrialists from visiting the courts time and again for various proceedings, it has also been considered appropriate to make provision for compounding of offences, which will also be helpful in reducing the pendency of court cases. As such, it has been decided to amend the Act *ibid* suitably.

This Bill seeks to achieve the aforesaid objectives.

KISHAN KAPOOR,
Minister-in-Charge.

Shimla:
Dated………., 2010.

FINANCIAL MEMORANDUM

The provisions of the Bill, if enacted, shall be enforced through the existing Government machinery. As such, there shall be no additional expenditure out of the State Exchequer.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

—Nil—

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       lg;kx dsekV/;e lslaLk/ku mRiUu djuk vkSj mudk vuqj{k.k
       djuk vkSj ckfS)d lEink vf/kdkjka dk vUrj.k djuk(

¼3½ mikf/k;ka] vokMZ] xkM] Jşl ¼ØifMMVt½ vkSj fo|k llEcU/kh fo"kk
       mikf/k;ka lafLFkr djuk vkSj inku djuk;

¼p½ vU; ekU;rk ikIr fo"ofo|ky;kadh mikf/k ds lserY; ;k rRle
       mikf/k dsfy, micllk djuk;

¼N½ dfSil lFkkfir djusds fy, lseLr vko"; d mik; djuk;

¼t½ ekun mikf/k;ka tSh fofgrdhtk,] llaLFkr djuk vkSj inku
       djuk;

¼>½ fo|kfFkZ;kadksNk=ofUk;ka tSh fofufnZV dh tk,] llaLFkr djuk
       vkSj inku djuk;

¼´½ lekt ds"kf{kd nf'V lsfiNMoxZ¼LVSV½e½s "kf{kd il ¼fo/kkvka
       dk il kj djusdsfy, fo"kk mik; djuk;

¼V½ [kydan vkSj lkgfll d fØ;kdykikadksiURR lkgu vkSj c<kok nsuk;

¼B½ rduhdh] izkkl fud] vun fpoh; ¼fyfidh;½ vkSj vko"; d
       inkadk Iǹtu djuk vkSj mu ij fu;fUrr;kadjuk;

¼M½ ijke'kZ llok,a inku djuk;

¼<½ vf/kfu;e dsmicll/kkadsvun kj fo"ofo|ky; dsmnnRs'; kadks
       dk;fUo;r djusdsfy, ifjfu;e vkSj fofu;e cukuk(

¼.k½ fo"ofo|ky; ds lakdk] Nk=ka vkSj deipkjj;kads0;fDrRo ds
       fodkl dsfy, ikB~;Øeßrj xfrfof/k;kadksiURR lkgu vkSj c<kok
       nsuk (

¼r½ jkT; ljdkj] Hkkjr ljdkj vkSj fo"ofo|ky; vuqnku vk;ksx ds
vuqnku'kkadsvuqdkj n's'k dsHkkhrj rFkk ckgj ikjLifjd vk/kkj ij
vU; fo"ofo|ky;kadslkFk lkFk M÷;ny miklf/k;kadsfy, micUèk
djuk (

¼Fk½ fo"ofo|ky; ds"kS{kf.kd dk;ZØekadsfofHkUu fo'k;kaea,dhdr
ikB÷;Øekadsfy, micU/k djuk (

¼n½ jkT; ljdkj] dsUnh; ljdkj vkSj fo"ofo|ky; vuqnku vk;ksx
}kjk le;≤ ij tkjh vuqns'kkavuqdkj egkfo|ky;] lkLFkk,a
vkQ&dkSil dsnk}; vkW
Z 'kkj dkSil vkSj fo|k dsUnz LFkkfir
djuk (

¼/k½ fo"ofo|ky; dsi z;kstukavkSj mnns'; kadsfy, nksu] migkj vkSj
vuqnku iklr djuk vkSj fgekpy izns'k dsHkkhrj ;k ckgj U;kl
;k foU;kLr lEifr lfgr fdlh LFkkoj ;k taxe lEifr dks
vftZr djuk]/kkjjr djuk mldk izcU/k vkSj 0;;u djuk vkSj
fuf/k;kadk ,Slh jhfr]ftlsfo"ofo|ky; mfpr le>}eafofu/kku
djuk(

¼u½ fofHkUu ikB÷;Øekadsfy, le;≤ ij bl vf/kfu;e ds
micU/kkadsvuqdkj QhlljpukfofgrdjukA

¼i½ ,Slh Qhl vkSj vU; iHkkjkka tks le;≤ ij fofufnZV fd,
tk,]adslImk; dhekxx djuk vkSj iklr djuk (

¼Q½ ikjLifjd :lk lsLohdk;Zlfucu/kkukavkSj "krksaij vU; lkLFkkvka
lslg;ksx djuk (

¼c½ fo"ofo|ky; vuqnku vk;ksx vkSj vU; fofu;ked fudk;ka}kjk
fofufnZV ekudkadsvuqdkj fo"ofo|ky; ds lkdk; vkSj
deZpkfj;kadsfy, oru]ikfjJfed] ekuns ¼vkujfj;½voekkfjr
djuk(

¼Hk½ fo"ofo|ky; dsNk=karFkk deµpkfj;kaea vuq(kklu fofu;fer
 djuk rFkk mIs iµfrlr djkuk vk§ ,dl vuq(kklu fucd miak;
 djuk] tksvko";d lle>stk,a(

¼e½ fo"ofo|ky; vk§ bllslEc) lLFkkvka@egkfo|ky;kaealÌkuk
 dk vf/kdkj vf/kfu;e] 2005 dk;kÇor djuk (

¼;½ lEc) lLFkkvka@egkfo|ky;kaafgekpy ins'k "k§{kf.kd lLFkk
 ¼jÌxax dk ifr'k[k½ vf/kfu;e] 2009 dk;kÇor djuk(

¼;d½ m|kx dslkFkk lEcU/k LFkkfir djuk vk§ muadk vuj{k.k djuk
 vk§ mudslkFkk vUr0;ögkj dk lµo/kÇu djuk vk§ fo'o eapkjka
 vkaj fo"ofo|ky;kµd vuqÇkku lLFkkvka vk§ fo}r lekt rFkk
 m|kxkµd tksfo"ofo|ky;ka dsmnµ"; dks vxÇlj djuslÌ
 lEcfUekr g§ dslkFkk lg;kxh djkj djuk (

¼;[k½ lk/kkj.kkr%jk'Vh; fodkl vk§ fo"kskr;k vk/kfµuc ikS|kfÇxdh ij
 vk/kkfjr m|kxksÌ dsfodkl ea;kxnku nuseallEFkZmPpLrjh;
 dµÇky ekuo "kfDr dslÌtu dk lµo/kÇu djuk(

¼;x½mPprj f"k{kk eaLrjekukµdkscuk, j[kuavk§ xqkoÙkk eaof) ds
 fy, lefÇpr miak; djuk(

¼;?k½ mikf/k;ka;k vU; fo|k lEcU/kh fo"kksk mikf/k;kadks,Ìh "krÌµ
 tS h ifjfu;eaa}kjk fofgr dh tk, dsv/khu vk§ iÌkkfor
 0;fDr dksviuk ekeyk iµLrµ djusdk ;kÇDr;Ör volj nµs
 dsi"pkr~iÌ;kgµr djuk ;k jn� djuk (

¼;³½ bl vf/kfu;e dsmicU/kkadsv/;/khu] fo"ofo|ky; dsvf£kdkfj;ka
 vk§ deµpkfj;kadsinkadsfy, vkpkj vk§ vuq(kklu dsfu;e
 vk§ miyfÇ/k;kalfgr] lµk dsfucU/ku vk§ "kr±fofgr djuk(

¼;p½ LFkkoj ;k taxe lEifr dksvftÌr djuk] /kkfjr djuk vk§
 mldk 0;;u djuk rFkk bldsmnµ"";kadksvxÇlj djusds
 fy, vuµku vk§ vfxÆ nµuk(

¼;N½ nku] foU;kl Lohdkj djuk vk§ i'kkfxflr djuk vk§ blds
mnn's';ka dks vxzlj djus dsfy, vunku vk§ vfg{az nsuk(

¼;t½ vunku Lohdkj djuk vk§ m/kkj ysuk ;k dÙnh; ;k fdlh jkT;
ljdkj ;k fo"ofo|ky; vunku vk;ksx vk§ vU; L=ksrka lsHkh
m/kkj Lohdkj djuk(

¼;>½ fo"ofo|ky; dsLorU= foÙkh; vk/kkj dsl`tu dsfy, lefpr
mik; djuk (

¼;´½ rRl Ec) ck/;rkvkavk§ opuczrkvkatksfo"ofo|ky; dsmnn's';ka
;k g§l ;r lsvlaxr u gkh dslkFkk iRbovV L=ksrka lsnku vk§
v'knku lsfuf/kdk l`tu djuk(

¼;V½ ijh{kk vk§ vU; iz;kstuka dsfy, Qhl ;k vU; iÙkkj fofgr
djuk vk§ bl izdkj fofgr Qhl ;k vU; iÙkkjjkadh ekx djuk
vk§ iklr djuk (

¼;B½ fo"ofo|ky; dsNk=kavk§ deipkfj;ka dsLokLF; vk§ lkekU;
dY;k.k dksc<kok nsus dsfy, 0;oLFkk djuk (

¼;M½ fo"ofo|ky; dsiz;kstu vk§ mnn's';ka dsl e: i iz;kstu vk§
mnn's';ka dh vfHkof) dks/;ku ea j[krs gq] ns'k dsHkhrj ;k
ckgj fdlh vU; fo"ofo|ky;] ikf/kdj.k ;k fdlh vU; ifCyd
;k iCbovV fudk; dslkFkk ,l siz;kstuk} tksdjkj ik, tk,}ds
fy, ,l sfucU/kuka vk§ "krkaij] tks l e;&l e; ij fofufnZV
dh tk,} lgdkj djuk (

¼;<½ iz'u i=ka vk§ vU; lœdeksatksfo"ofo|ky; }kjk vif{kr gk}
dseqnzk dh 0;oLFkk djuk(vk§

¼;.k½ ,l svkullkxfxd ;k lgk;d lelLr dk;Zdjuk] tksfo"ofo|ky;
dsl Hkh ;k fdUghamnn's';ka dh ifflr dsfy, vko";d gkaA

6- ¼1½ {ks=h; ifjlhek,afttuesafo"ofo|ky; "kfDr;kadk izksx vk§
viusdÙkO;ka dk ikyu djxk] lEiwkZfgekpy ins'k jkT; vk§ fgekpy ins'k
jkT; lsckgj ds vU; {ks=kathUgale;≤ ij xouj ckMZ }kjk fofgha
fofu;eka vk§ ifjfu;eka dsv/;/khu fofuf"pr fd;k tk,] easgksxhA

½2½ rRle; ipUk fdllh vU; fof/k eaafdllh ckr ds gksrs gq Hkh
mièkkjk ¼1½ dsv/khu fofufnZV {ks= dh lhekvkeaafLFkr rduhdh f"k{kk inku
djusokyk dkbZHkh egkfo|ky;] ,dh rkjh[k lá tksbl fufeÙk jkT; ljdkj
}kjk vf/klfpr dh tk,] fo"ofo|ky; dslkFkh lEc) vksÚj fo"kkkf/kdkj iklr
le>k tk,xk rFkkml dh fgekpy fo"ofo|ky;] f"keyk dslkFkh fdllh
Hkh ipdkj lslEc)rk ;k fdllh Hkh ipdkj dsfo"kkkf/kdkj ughajgxsjxs%

ijUrqmDr rkjh[k lsipwoZ fgekpy ins'k fo"ofo|ky;] f"keyk ls
lEc) fdllh ,dsegkfo|ky; dsfdllh Nk=] tksmDr fo"ofo|ky; dh fdllh
mikfèk ;k fMlyksekek ijh{kk dsfy, v/;;ujr Fkk] dksml dh r¡kjh eamlds
ikB÷Øe dksiwukZdjuk vuk¡Kr fd;k tk,xk vksÚj fo"ofo|ky; ,dsNk=kadh
ijh{kk] mu egkfo|ky;kaesaipUk v/;;u ikB÷Øe dsvuq}kj ,dh vof/k ds
fy,] tá h fofu;eka}kjk fofgr dh tk,] vk;ksftr djxsk %

ijUrq;g vksÚj fd tc rd fo"ofo|ky; }kjk ,dh ijh{kk vk;ksftr
ughadh tkrh g¡ rc rd ,dsNk= dksmDr fo"ofo|ky;kadh ijh{kk eaaips'k
fn;k tk,xk vksÚj mu fo"ofo|ky;k¡l ftudsfy, og ,dh ijh{kk dsipj.kek
ij vgZrk iklr djrk g¡ dh mikf/k] fMlyksekek ;k dkbZvU; fo"kkkf/kdkj inku
fd;k tk,xk A

7-   ¼1½ fdllh Hkh 0;fDr dk¡¡ dby /kEk¡{oá k tkfr] fyaax] tUe LFkku   fo'ofo|ky;
;k bue¡lsfdllh Hkh vk/kkkj ij fo"ofo|ky;] dsfdllh in ;k bl dsfdlUgha   dk /ke¡] oák{
ikfèkdkj.kakadh lnL;rk ls;k fdllh mikf/k] fMlyksekek ;k vU; fo|k lEcU/kh   tkfr fyaax ;k
fo"kstk mikf/k;k v/;;u dsikB÷Øe lsviofttr ughafd;k tk,xk %   tUeLFkku dk
                                                                    fopkj fd,
ijUrqfo"ofo|ky; dkby efgykvkadsfy, fdllh egkfo|ky; dks;k   fcuk lHkh ds
rkf'k{kk ;k vkokl dsfy, vuqjf{kr dj ¼pyk½ ldxk ;k efgykvka;k   fy, [kqyk
'k§kf.kd : i lsfiNMh Jskh dslnL;kavksÚj lemk;kadksfdllh Hkh egkfo|ky;;   gksukA
eaaNk=kads : i eaaÁo'k dsÁ;ktu dsfy, vkjkf{kr dj ldxkA

½2½ fo'ofo|ky; dsfy, fdllh 0;fDr ij] fo'ofo|ky; eadkbZin
;k inoh /kkj.k djus ;k fo'ofo|ky; ds fdllh fo'k'kkf/kdkj ;k ml dh

miNfr dsfy, gdnkj cukusgrqoå k] tkfr] fyax] tUe&LFkku l s l EcfU/kr fdl l Hkh i<dkj dk V&V vf/kjkifr djuk fofèkiwZ ughagksxkA

l Ec)rk dh 'kfDrA

8-   fo'ofo|ky; dksfdl h vU; l LFkk ds l kFk l Ec)rk dh ;k vU;Fkk viusfo'k$kkf/kdkj ealykus dh 'kfDr gksxhA

fo'ofo|ky; dsvf/kdkjhA

9-   ¼1½ fo'ofo|ky; dsfy, fuEufyf[kr vf/kdkjh gksax}s vFkkr~%&

  ¼d½ dqykf/kifr (
  ¼[k½ dqyifr (
  ¼x½ jftLVªkj (
  ¼?k½ foRr vf/kdkjh (vkßj
  ¼3½ ,sl s vU; 0;fDr tksifjfu;eka}jkjk fo'ofo|ky; ds vf/kdkjh
    ?kksf'kr fd, tk,A

  ¼2½ dqykf/kifr] dqyifr vkßj jftLVªkj l sfHkUu fo'ofo|ky; ds vfèkdkfj;ka dh fu;qfDr;ka dh jhfr] l ªak dsfucU/ku vkßj 'krZ±vkßj ÑR; tgka rd osbl eamicfU/kr ughagS]fofu;eka}jkjk fofgr fd, tk,axA

dqykf/kifrA

10-¼1½ jkT;iky] viusin dsQyLo: i fo'ofo|ky; dk dqykf/kifr gksxkA og fo'ofo|ky; dk Áeq[k ¼gksM½ vkßj dk;Zdkjh ifj'kn~dk v/;{k gksxk rFkk tc mifLFkr gksrksdk;Zdkjh ifj'kn~dh cBdka dh v/;{krk djxkA

  ¼2½ dqykf/kifr ,sl h 'kfDr;ka dk Á;ksx djxk t$hml sbl vfèkfu;e }jkjk ;k dsv/khu ÁnRr dh tk,A

  ¼3½ tgka dqykf/kifr dksfo'ofo|ky; dsfdl h Ákf/kdj.k ;k fudk; dsfy, ukekufnZku djusdh 'kfDr ÁnRr dh xbZ gS] ogkadqykf/kifr ml foLrkj rd tksvko';d g$0;fDr;ka dksmu fgrkadksÁLrqr djusdsfy, ukefufnZV djxk ftudksvU;Fkk l ehfpr : i l sifrfuf/kRo ughafn;k x;k gksA

  ¼4½ fdl h ekud mikf/k dksÁnRr djusdk ÁR;sd ÁLrko dqykf/kifr dh iqf'V dsv/;/khu gksxkA

11- ¼1½ dyifr dh fu;fprr xouj ckMZ }kjk ukefufnZV dh tkus dyifrA
okyh Isfefr dsek/;e Isxouj ckMZ }kjk Irr 0;fDr;kn ds i&y eals}
dykfi/kifr }kjk jkT; Ijdkj dsijke'kZ Isrcluhdh f'k{kk ds{ks= eamRÑ"V
0;fDr;kn ds i&y eals dh tk,xh %

ijUrqfo'ofo|ky; dk ÁFke dyifr rhu o"kZ dh vof/k dsfy, ;k
mIds65 o'kZ dh vk;qiwkZ djusrd] tksHkh imZrj gks}fu;;Dr fd;k tk,xk]
vkSj bl /kkjk dsmicU/kka dsv/;/khu jkT; Ijdkj }kjk fo'ofo|ky; ds
fnu&Áfrfnu dsdk;Zdykika dk ÁcU/k djusgsrqrhu o"kZ Isvuf/kd vkSj
vofèk dsfy, iqufu;qfDr dk ik= gkxkA

½2½ dyifr fo'ofo|ky; dk iwkZdkfyd vf/kdkjh gkxk vkSj mIs
fo'ofo|ky; fuf/k Is,sIk oru vkSj HkRrs IniRr fd, tk,xs tSsfd
dykfèkifr jkT; Ijdkj vkSj foRr foHkkx dsijke'kZ Isfofuf"pr djsA

¼3½ dykfi/kifr] dyifr dsikikjJfefd dh jde vkSj Ipk dh vU;
'krivfHk/kkfjr djxk %

ijUrqIpk dsfucU/ku vkSj 'kradyifr dh inkof/k dsnkSjku mIds
vfgr eaifjofrr ugha dh tk,xhA

¼4½ dyifr dh chekjh ;k vuqfLFkfr ;k NyVVh dh n'kk ealvFkok
fdIh vU; vkdfLedrk eajftLVkj fo'ofo|ky; dsdyifr ds: i ealdk;Z
djxkA

¼5½ dyifr fo'ofo|ky; dk Á/kku dk;ZikydvkSj 'k§kf.kd vfèkdkjh
gkxk vkSj fofu;e dsvuq|kj bIdsdk;Zdykin ij Ik/kkj.k fu;U=.k j[kxk
vkSj fo'ofo|ky; dsikf/kdj.kka dsfofu'p;ka dksÁHkkoh cuk,xkA

¼6½ dyifr dk dRrZO; gkxk fd og Ifuf'pr djsfd vf/kfu;e
vkSj fofu;eka dsmicU/kka dk dMkbZ Isikyu gksvkSj mIdsikI bI Á;kstu
dsfy, IeLr 'kfDr;ka gkxhA
¼7½ ;fn] dyifr dh jk; ealdkbZvkikr fLFkfr mRiUu gksxbZ gks}
ftI ij rqjUr dkjbkbZdh tkuh vko';d gksa}rksdyifr ,sIh dkjbkbZdjxk

t$h og vko'; d I e>s vk§j ml dh fjik\VZ Ákf/kdj.k ¼vFkkÙljVh½ dh vxyh cRd esaiq'V dsfy, djxka ftl usl kekkU; vuiÞe esaekeysdksfui iVk;k gksrk%

ijljUrq tgka dyifr }kjk dh xbZ ,s1h dkb¼ dkjjÞkbZ l Ec) Ákf±kkdj.k ¼vFkkÙljVh½ }kjk vuqekfnr ughadh tkrh g\Srksog ,s1k ekeyk dyykf/kifr dks fufnZV dj l dxxk] ftl ij ml dk fofu'p; vfUre gksxk %

ijljUrq;g vk§j fd tgka dyifr }kjk dh xbZ ,s1h dkjjÞkbZ fo'ofo|ky; dh l qukea jr fdl h 0;fDr dksÁHkkfor djrh g\Srks ,s1k 0;fDr] ,s1h rkjh[k] ftl dksog ,s1h dkjjÞkbZ dk ukfVl Ákkr djrk g\Sl srhl fnu dsHkhrj xoukj ckMZ dks vihy djus dk gdnkj gksxkA

¼8½ dyifr ,s1h vU; 'kfDr;ka dk Á;ksx djxka t$h fofu;ekavk;k ifjfu;ekavk}jk fofgr dh tk,A

12- ¼1½ dyifr] dyykf/kifr dh vuqifLFkfr esadk;Z dkjh ifj'kn~ dh cRd dh v/;{krk djxkA og] vius in ds QyLo:lk ¼dh g§l ;r l½ LukÙkkdksrj vk§j Lukrdoin Z v/;;u dsfy, xouJ ckMZ vk§j fo|k ifj'kn~ dk InL;; rFkk vè;{k gksxk vk§j fo'ofo|ky; ds fdl h vU; ikf/kdj.k ;k fudk;] ftl dk og InL; gk§j dk v/;{k Hkh gksxk] ijUrq og ml eaernku djus dk gdnkj ughagksxkA

¼2½ dyifr dsikl dk;Zdkjh ifj'kn] xouJ ckMZ vk§j fo'ofo|ky; dsfdl h vU; ikf/kdj.k ;k fudk; dh cRd cqykus dh "kfDr;ka gksxhA

¼3½ dyifr dks fo'ofo|ky; ds I eLr vU; vf/kdkfj;ka vk§j I eLr f'k{kdka rFkk dezpkfj;ka ij rFkk I k/kkj.kr;k fo'ofo|ky; ds I Hkh ekeykaij fu;U=.k rFkk i;Zo{k.k dh "kfDr gksxhA

¼4½ dyifr ,s1h vU; "kfDr;ka dk iz;ksx vk§j ,s1 svU; dÙkÙ0;ka dk fuoZgu dj l dxxk tksfo'ofo|ky; dsfdl h ikf/kdj.k ;k fudk; }kjk ml ipÙ;k;kfstr fd, tk,A

¼5½ dyifr] fo'ofo|ky; dh vk§j l sfdl h ekeysea,s1h dkjjÞkbZ dj l dxxk t$h og l ehphu l e>§l tksml dh jk; esa;k rks vR;ko';d gS

;k vkikfUkd Lo: i dh g\Svkj ml dh fjiksVZ iiffèkdkj.k ;k fudk; dh vxyh
cBd enif'V dsfy, djxk] ftl us lkekU; vupØe enekeysdksfuiVk;k gksrk%

ijUrq ;fn dyyifr }kjk dh xbZ dkjbkbZdk lE0k) ikf/kdkj.k ;k
fudk; }kjk vuenksnu ughafd;k tkrk g\S rksekeysdls dyykf^kifr
dksfufnZV fd;k tk,xk] ftl ij ml dk fofu"p; vfUre gksxkA

13-   ¼1½ jftLVkj fo"ofo|ky; dk iwkkdkfyd vf/kdkjh gksxk vkj   ^jftLVkjA
v/;{k ds #i enicyyifr] dyykf/kifr ds ukefunZ"krh] xouj ckMZ ds nks
ukefunZ"kfr;ka vkj jkT; ljdkj ds ,d ukefunZ"krh ls xfBr ,d lefefr
dh fl0kfj"k ij xouj ckMZ }kjk rhu o"kZ dh vof/k dsfy, fu;Ør fd;k
tk,xk ftl vkj rhu o"kZ dh vof/k dsfy, Øk<k;k tk l dsxkA

¼2½ jftLVkj dh l\ok dsfuUØ/ku vkj "krã,s h gksxh t\S h xouj
ckMZ }kjk vo/kkfjr dh tk,A

¼3½ jftLVkj] xouj ckMZ vkj fo|k ifj'kn~dk insu lfpo gksxk A

14-   jftLVkj&   jftLVkj dh
                      'kfDR;ka vkj
                      dR; A

(d)   fo"ofo|ky; ds vfHkys[kkj Ikekkun] enØ vkj ,s h vU;
       lEifr dk vfHkj{kd gksxk t\S h xouj ckMZ ml ds iHkkkj en
       ml l lkis;;

([k)   xouj ckMZ vkj fo|k ifj'kn~dh l eLr cBdkds dk;ÒÙk
       j[kxk;

(x)   xouj ckMZ vkj fo|k ifj'kn~ds "kkl dh; i=0; ogkj dk
       l pkyu djxk ;

(?k)   fo"ofo|ky; dh ijh{kk dh 0;oLFkk djxk rFkk v/kh{k.k.k
       djxk;

(³)   fo"ofo|ky; ds ikf/kdkj.kka dh cBdka dh dk;Ü ph dh
       ifr;ka dk\ t\S s gh os tkjh dh tkrh g\S ;Fkk"kh?kz vkj
       lkekkj.kr;k cBdka dsvk;kstr gksus ds ,d ekl ds Hkhrj
       ikf/kdkj.kka dh cBdka ds dk;ÒÙk dyykf/kifr dks if'kr
       djxk; vkj

(p) ,d svU; dr0;kadk ikyu djxk tS sfo"ofo|ky; dsdgykfèkifr
;k xouj ckMZ}kjk le;≤ ij mlslkis stk,A

foÙk
vfèkdkjhA

15- ¼1½ foRr vf/kdkjh fo"ofo|ky; dk iwukdkfyd vf/kdkjh gksxk
vkSj v/;{k ds#i eadgyyifr] xouj ckMZdsnksukefun'kfr;ka] dgykfkifr
ds,d ukefun'kfrh vkSj jkT; ljdkj ds,d ukefun'krh IsxfBr lefefr
dh fl Qkfkj"k ij xouj ckMZ}kjk rhu o'kZdh vof/k dsfy, fu;qDr fd;k
tk,xk ftlsrhu o'kZdh vkSj vof/k dsfy, c<kr;k tk ldxkA

(2) foRr vf/kdkjh dh Inkk dsfucU/ku vkSj "krSa,dh gkexh tS h
xouj ckMZ}kjk vo/kkfjr dh tk,A

(3) og] dgykifr vkSj xouj ckMZdslk;ozb{k.k] funs"k vkSj fu;U=.k
dsv/;/khu fo"ofo|ky; dh fuf/k dsiz'kkIu foRr] lEifÙk;kvkSj ifjlEifÙk;ka
rFkk leLr U;klka vkSj foU;klka dk iHkkkjh gksxk A

(4) mldh mu lHkh fdz;kdykika esfo"k¢k #fp jgxh ftudk
mnÒs'; (y{;) fo"ofo|ky; dh fuf/k;ka dkstV/kuk vkSj fo"ofo|ky; ds
L#ksrka(lk/kuk) dk I®)u gksA

(5) mI} bl vf/kfu;e dsmicU/kka ds v/;/khu] vius iHkkkj ds
vè;èkhu foHkkxka esdk;jr leLr vf/kdkfj;ka vkSj deqpkfj;ka ij lk;ozb{k.k
vkSj fu;U=.k dh "kfDr gksxh vkSj og ,d h vu¢kkIukukRed "kfDr;kadk iz;ksx
djxk tS h mIsbl vf/kfu;e ds}kjk ;k v/khu inÙk dh tk,A

<div align="center">

v/;k;&3

fo'ofo|ky; ds ikf/kdkj.k

</div>

fo'ofo|ky;
dsikf/kdkj.kA

16- fo"ofo|ky; dsfuEufyf[kr ikf/kdkj.k gksx}s vFkkZr~%&

(d) dk;dkjh ifj'kn~;
([k) xouj ckMZ;
(x) fo|k ifj'kn~;
(?k) foRr lefr ;

¼3½ p;u lfefr ;vk§

(p) ,slsvU; ilf/kdj.k tks ifjfu;ekadsv/khu LFkkfir fd, tk,A

17- ¼1½ dk;Zdkjh ifj''kn~fuEufyf[kr lnL;ksl sxfBr gksxh] vFkkr~%&   dk;Zdkjh
                                                                     ifj''knA

inu lnL; %&

    (d) dqykf/kifr;

    ([k) dqyifr;

    (x) Bhd iwoZrh dqyifr;

    (?k) lfpo] rduhdh f''k{kk foHkkx] fgekpy ins''k ljdkj ;k mldk ukekufn''krh tks fo''ks''k lfpo] fgekpy ins''k ljdkj] dh ifŪr lsuhpsdk u gks(

    ¼3½ lfpo] foÙk foHkkx] fgekpy ins''k ljdkj ;k mldk ukekufn''krh tksfo''ks''k lfpo] fgekpy ins''k ljdkj dh ifŪr lsuhpsu gks(

    (p) funs''kd] rduhdh f''k{kk 0;koslkf;d ,oavkS|ksfxd if''k{k.k foHkkx (

    (N) v/;;u vf/k''Bkrk (Mhu vkQ LVMht) (

    (t) Ldwy f''k{kk dsfuns''kd (

    (>) fo''ofo|ky; vuqeku vk;ksx dk ,d ukefunsZ''krh (

    (¥) vf[ky Hkkjrh; rduhdh f''k{kk ifj''kn~dk ,d ukefunsZ''krh (

    (V) fgekpy ins''k fo/kku lHkk dslnL;ksa}kjk p;fur(fuokZfpr) fgekpy ins''k fo/kku lHkk dsnksslnL;(

(B) nksiV/;ki cd] ,d Øe"k%jk'Vh; rcuhdh l &Fkku] gehjiqj
     ls vk§j ,d fgekpy insk fo"ofo|ky;] f"keyk ls(

(M) fo"ofo|ky; ds x§j&f"k{k.k deipkfj;ka ds lnL;ka }kjk
     viuseal sp;fur (fuokfpr) nks lnL;(

(<) fo"ofo|ky; ds vf/kcdkfj;ka vk§j i;b§kh LVkQ }kjk
     viuseal sp;fur (fuokfpr) nks lnL;(

(.k) 0;kol kf;d] vk§|kfxcd] o§Kkfucd] rcuhdh] "k§{kf.kcd vk§j
      vU; fo}r l ekt dk ifrfuf/Ro l cauf"pr djus dsfy,
      jkT; l jdkj }kjk ukefufnZV fd, tkusokysrhu 0;fDr(

(r) dyykf/kifr }kjk ukefufnZV fd, tkusokysnks0;fDr(vk§j

(Fk) fo"ofo|ky; ds cdepkfj;ka ea l sfuokibpu }kjk p;fur
      (fuokfpr) ,d 0;fDrA

½2½   dk;bdkjh ifj'kn~ dsfy, leLr fuokibpu ,d h jhfr ea gkxs
tSh ifjfu;ek }kjk fofgr dh tk,A

18- dk;bdkjh ifj'kn~ dh fuEufyf[kr "kfDr;ka vk§j dR; gkx
       vFkkbr%&

(d) xolkj ckMZ }kjk r§kj dh xblokf'kd fjiksVZ ij fopkj djuk vk§j
     mllsl Ecfl/kr ,sk ilrko ikfjr djuk tSk vko";d l e>k
     tk, (

([k) xoujckMZ;k vU; fdlh fucdk; l s,sh vU; fjiksVki ij fopkj
     vk§j ijke"kZ djuk] tSh bl ds le{k j[kh tk,aA

(x) xoujckMZ l vU; fo"ofo|ky;]l &Fkkvka vk§j "k§{kf.kcdlafekcdj.kka
     ds lkFk ,s sekeyka ea l gdkj vk§j l g;kx dsfy, lkLrkoka ij
     fopkj djuk vk§j ijke"kZnuk tksfo"ofo|ky; ds"k§{kf.kcd@mn~ns";ka
     l s l Ecfl/kr gks;k mUga iRlkfgr djrs gkaA

¼2k½ xouj ckMZ }kjk vuqekfnr ys[kkvkadsokf/kd fooj.k vkSj
       okf"kZd foÙkh; iktDdyukaij fopkj djuk vkSj mulsIEc) ,Ss
       IadYi ikfjr djuk tksvko';d Ie>sstk,%

              ijUrqIadYi ikfjr djus] ,Ssfdll okf"kZd foÙkh; iktDdyuka
       dks mikurfjr djus ;k vLohd`r djus ds iz;kstu ds fy,]
       rRle; fo|eku dk;Zdkjh ifj"kn~dsdY InL;kaeaIscgqer
       dsfy, IadYikadsi{kaeaernku djuk vko';d gksxk(

¼3½ fo'ofo|ky; ds izLkkIu vkSj foÙk eaIa{kkj dsfy,] vkSj
       Ia{kkj.kr;k bIdsmndu'; dksvxIaj djusdsfy, mik;kaij
       fopkj djuk vkSj Ieqko nuk(

¼p½ v/;;u vkSj vuqf'kkku grq foHkkxka batfu;fjx egkfo|ky;ka
       cgqrduhdh IaLFkkukavkSj cgqfo|k 'kk[kk vuqf'kkku ds dinka
       iqrdky;ka iz;kx'kkykvka dk;ZkkykvkavkSj Iaxgyk;kadh IaLFkkiuk
       djuk(

¼N½ jkT; Ijdkj dsvuqeknuu Isfo'ofo|ky;] dindavkSj iqrdky;ka
       dh IaLFkkiuk dsfy,, vf/kdkfj;kavkSj v/khuLFk dedpkfjoUn ds
       mrusin ftrusvko';d gksa Ifrt djuk vkSj IfLFkr djuk(

¼t½ fo'ofo|ky; fuf/k eaIs v/;rkofÙk] Nk=ofÙk v/;;uofÙk]
       ofÙkdk] othfQk] in'kfu;ka fn, tkusokysindkavkSj fn, tkus
       okys vkSj bZukekadks IfLFkr djuk(

¼>½ ,Ssl 0;fDr;kaftUgauk%&
       ¼i½ fofgr ikB~;dze fdl, gS;k ftUgafofgr jhfr eaNMl nh xbZ
              gSvkSj ,Ssh ijh{kk mÙkh.kZdh gS] tSsh fofgr dh tk,] ;k
       ¼ii½ ,Ssh 'krkdks vuqdkj tksfofgr dh tk,avuqf'kkku fd;k
              gks]
       ij mikf/k] fMIyksek] izek.ki=i vkSj vU; fo|k Icdkh mikf/k IfLFkr
       djuk(;k

¼¥½ ,dh 'krÃ tks ifjfu;eka }kjk fofgr dh tk,a ds v/khu vkšj
        iÌkkfor 0;fDr dksviuk ekeyk iÌLrr djusdsfy, ;fDr;ÃÄr
        vol j nus ds i'pkr~mikf/k] fMIlykeek] iÃk.k&i=ka vkšj vU;
        fo|k lÃÃzdkh mikf/k dk iÃ¥;kgj.k djuk ;k jnÀ djuk(

¼V½ ekun~mikf/k vkšj fo|k lÃÃzdkh mikf/k;ka inku djuk(

¼B½ bl ds viusdkjckj ds lÆ0;ogkj dsfy, fu;e cukuk(vkšj

¼M½ bl vf/kfu;e }kjk ;k ds v/khu dk;Ãdkjh ifj"kn~ij inRr
        leLr vU; 'kfDr;ka dk iz;kx djuk vkšj vf/kjksfir leLr
        vU; dRÃ;ka dk ikyu djukA

19- ¼1½ dk;Ãdkjh ifj"kn~] nh{kkUr lekjksg ls vU;Fkk dsfy,] ,d
foÙkh; o"kÃeade lsde rhu ckj] dyifr }kjk fu;r dh tkusokyh rkjh[kka
dkš cÃd djxhA bl idkj dh ,d cÃd ekpÃls imzÃvk;ksftr dh tk,xh
vkšj mlsokf"kÃd cÃd dsuke ls tkuk tk,xk A dk;Ãdkjh ifj"kn~,,ls vU;
le;ka ij Hkkh cÃd dj ldxh] tšlh ;g le;≤ ij fofuf'pr djÃA

¼2½ dk;Ãdkjh ifj"kn~dh cÃd dsfy, dk;Ãdkjh ifj"kn~dslnL;ka
dh dqy la[;k ds ,d&frgkbÃls x.kikfrÃz gksxhA

ijUrqnh{kkUr lekjksg dh cÃd eÃ,lh x.kikfrÃzvif{kr ughagksxhA

¼3½ dyifr] tgkaog mifpr le>ÃÄ vkšj dk;Ãdkjh ifj"kn~dslnL;ka
dh dqy la[;k dsipkl ifr'kr~lsvU;;u }kjk fy[kr eaagLrk{kfjr v/;i{kk
ij] dk;Ãdkjh ifj"kn~dh cÃd vk;ksftr djxkA ,,lh v/;i{kk ij cÃd
dyifr }kjk v/;i{kk dh ilfÃr dsilUng fnu dsHkkhrj vk;ksftr dh tk,xhA

20- ¼1½ xouÃj ckMÃv/;{k] lkr insu lnL;ka vkšj pkj uke funkf'kr
lnL;ka lsxfBr gksxkA

¼2½ xouÃj ckMÃdsv/;{k dh fu;fDr] dyikf/kifr }kjk xouÃj ckMÃds
inkojkgh v/;{k dh fl Qkfj'k ij m|ksx] iÃSj|kfšxd ;k rduhdh f'k{kk ds{k=
eajk"VÃh; [;kfr ds0;fDr;ka dh uke lÃph ¼iÃSuy½ eals dh tk,xh %

ijllrq fo'ofo|ky; dk ifFke xouj ckMZ jkT; Ijdkj }kjk fu;|Dr fd;k tk,xkA

¼3½ xouj ckMZ dsv/;{k dh fu;|Dr dh inkof/k rhu o"kZ dh vofèk dsfy, gksxh vk$j og mruh gh vof/k ds ,d vU; dk;Zdky dsfy, i|fuZ;|Dr gsrq ik= gksxkA

¼4½ xouj ckMZ dk v/;{k Ikeku U;r;k dysyf/kifr dh vuqjfLFkfr esa xouj ckMZ dh cBdsa vk$j fo'ofo|ky; dsnh{kkUr Iekjksg dh v/;{krk djsxkA

¼5½ dysyf/kifr] xouj ckMZ dsfuEufyf[kr InL;ksadksrhu o"kZdh vof/k dsfy, fu;|Dr djsxk vk$j osmruh gh vof/k ds ,d vU; dk;Zdky ds fy, i|fuZ;|Dr gsrq ik= gksxs} vFkkZr%&

(i) ins\u InL;%&

¼d½ dysyifr] fgekpy insk fo'ofo|ky;] f'keyk0(

¼[k½ dysyifr] pk$/kjh Ijou dpkj fgekpy insk df"k fo'ofo|ky;] ¼Ih-,I-ds,p-ih-dsoh- ikyeiji½(

¼x½ funs'kd] Hkkjrh; ikS|ksfxdh IaLFkku] e.Mh(

¼?k½ Ifpo] fgekpy insk Ijdkj] rduhdh f"k{kk] 0;kolkf;d vk$j vkS|ksfxd if"k{k.k foHkkx(

¼3 ½ funs'kd] rduhdh f"k{kk] 0;kolkf;d vk$j vkS|ksfxd if"k{k.k(
¼p½ Ifpo ¼foRr½] fgekpy insk Ijdkj (vk$j
¼N½ v/;{k] mRrj&if"peh Ifefr vf[ky Hkkjrh; rduhdh f'k{kk ifj"kn} p.Mhx<A
¼i½ uke fufnZV InL;%
¼d½ Iqfl) m|ksxifr;ka esa Is,d InL; (
¼[k½ nks Iqfl) ikS|ksfxdhfon~(vk$j
(x) Hkkjrh; m|ksx ifjla?k dsv/;{k%

ijllrq dkykf/kifr] dkyifr dh fl Qkfj"kka ij fdlh 0;fDr] tks
ml vk/kkj ij in /kkj.k djusl sipfjr gkstkrk g$] ftl vk/kkj ij
og ,s\k InL; cuk] dh InL;rk jnn dj IdxkA

(6)   tc xou\j ck\Mlz e\a fdlh InL; ds R;kxi= ;k eR;q ;k
vU;Fkk dkbZ fjfDr gks-rh g$] rks fjfDr vf/kfu;e }kjk micfU/kr jhfr e\aHkjh
tk,xh%

ijllrq tks 0;fDr ,s\h fjfDr dks Hkjrk g$ og ,s\s dk;Z dky ds
vuofl r Hkkx dsfy, in /kkj.k djxk ftl dsfy, og 0;fDr] ftl ds
LFkku ij og InL; curk g$] vU;Fkk vius in ij cuk jgrkA

(7)   xou\j ck\Mlz fo"ofo|ky; dk lokPp iklf/kdkj.k ¼vFkklfIWjVh½ gksxk
vk\j ml dh fuEufyf[kr "kfDr;ka vk\j dR; gksxsa] vFkklr~%&

(d)   fo"ofo|ky; ds dk;Z dydyikbdk v/kh{k.k vk\j fu;U=.k djuk(

([k)   dkykf/kifr dk\} m|kx@iklb|kfxdh@rduhdh f"k{kk ds {ks= ea
lqifl) rhu 0;fDr;ka ls xfBr mPp Lrjh; "lfefr" }kjk
r§kj m|kx@iklb|kfxdh@rduhdh f"k{kk ds {ke=ka ls rhu ls
vU;=u vk\j ikap ls vuf/kd lqifl) 0;fDr;ka dh ukeslqph
¼iSuy½ ls dkykifr dh fu;fDr dh fl Qkfj"k djuk(

(x)   dkyifr dh lpk dh mfiyfC/k;ka vk\j fucU/kuka vk\j "krksa dh
fl Qkfj"k djuk (

(?k)   "k§kf.kd dk;;Zdze vuqekfnr djuk (

(3)   fo"ofo|ky; dsfu;eka vk\j fofu;eka dks cukuk vk\j vuqekfnr
djuk (

(p)   fofHkUUk "k§kf.kd dk;;Øeka dks pykus grq foHkkxx@dsUnz@
egkfo|ky;;@"k§kf.kd ifj'kn~lfetr djuk(

¼N½ fo"ofo|ky; ea laLdk; vkSj deZpkfjoUn ds inka ¼iksth'ku½ dk
        l`tu djuk(

¼t½ fo"ofo|ky; ds ctV dk vuqekuu djuk(

¼>½ fo"ofo|ky; dh fuf/k;ka dk izcU/k vkSj fu;a=.k djuk vkSj cSd
        ys[ks [kksyus vkSj mudsiOrLu dks izkf/kdr djuk(

¼¥½ fo"ofo|ky; dh tax e] LFkkoj vkSj cS)d lEink dksLohdkj
        djuk] vUrj.k djuk vkSj vU;Fkk fu;a=.k djuk(

¼V½ fo"ofo|ky; dh lkekU; eqnk ds:lk vkSj mi;ksx ij fofu'p;
        djuk(

¼B½ ,slh lfefr;ka dh fu;qfDr djuk] tks fo"ofo|ky; ds n{k
        dk;Zdj.k grq visf{kr gka&

¼M½ fo"ofo|ky; ds laLdk; vkSj deZpkfjoUn dh laLdk dh mi;fDr/k;ka
        vkSj fucU/kuka vkSj 'krks dk vuqekuu djuk(vkSj

¼<½ lfofnk ij laLdk dh mi;fDr/k;ka vkSj fucU/kuka vkSj 'krkZ dk
        vuqekuu djuk A

¼8½ xouZj ckMZ dh okf'kd cBSd] xouZj ckMZ ds v/;{k ds izkekZ'k
lscqyifr }kjk fu;r dh tkuosykyh rkjh[k dksvk;kSftr dh tk,xh A ,slh
okf'kd cBSd eq] izfr;ka,oa0;; ds fooj.k] ryu i= vkSj foRrh; izkDdyuka
dslkFk] imzkrhZo'kZdsnksjkju fo"ofo|ky; dsdk;Zdj.k dh fjikSZZiLrqr dh
tk,xh A

¼9½ xouZj ckMZ dh fo"ks'k cBSd] xouZj ckMZdsv/;{k }kjk] tc dHkh
vko";d gks vk;kSftr dh tk,xh A

¼10½ xouZj ckMZdk lnL;] ,lsHkkRrk] ;fn dksbZgkavkSj fo"ofo|ky;
ls,slh cBSd Qhlt¶lh fofu;eka esa miofU/kr dh tk, dk gdnkj gksxk A

fo|k ifj"knA   **21-** ¼1½ fo|k ifj'kn~fo"ofo|ky; dk "kSf{kd fudk; gksxh vkSj]
bl vf/kfu;e vkSj fofu;eksa ds micU/kksa ds v/;/khu fu;a=.k vkSj Ik/kkj.k
fofu;eu j[kksxh vkSj fo"ofo|ky; ds Hkhrj vuqns'kkh f"k{kk vkSj ijh{kk ds
Lrjekukadkscuk, j[kusdsfy, mRrjnk;h gksxh rFkk ,d h vU;; "kfDr;ka dk
iz;ksx djxh vkSj ,d svU;; dÙkÏ;ka dk ikyu djxh] tS sfofu;eka}kjk bl
ij inRr ;k vf/kjksfir fd, tk,aA bl sxoujdk/Vdkj sleLr "kSf{kd ekeyka
ij ijke'kZ nusdk vf/kdkj gksxk A

        ¼2½ fo|k ifj'kn~fuEufyf[kr InL;ka ls xfBr gksxh] vFkkZr%&

        ¼d½ dqyifr   &   v/;{k(

        ¼[k½ Ikdk;k/;{k ¼Mhu½   &   InL;(

        ¼x½ egkfo|ky;ka ds i/kkukpk;;[&   InL;(vkSj

        ¼?k½ i/kkukpk;;ka}kjk ukefuni"kr fd;k tkus   InL;(vkSj
             Okkyk ,d foHkkxkvO;{k ;k Ijdkjh egkfo|ky;ka
             dsiR;sd foHkkx dk ,d vkpk;Z A

         ¼3½fo[;kr m|kxifr   &   InL;%

             ijUrqukefuni"kr InL;ka dk dk; Zdky rhu o'kZ dk gksxk A

foUk IfefrA   **22-**¼1½ foRr Ifefr fuEufyf[kr 0;fDr;ka ls xfBr gksxh]vFkkZr~%&

        ¼d½ dqyifr   &   v/;{k(

        ¼[k½ Ifpo ¼foRr½] fgekpy insz'k   &   InL;(
             Ijdkj ;k mldk ifrfuf/k
        ¼x½ Ifpo ¼rduhdh f"k{kk] 0;kolkf;d   &   InL;(
             ,oa vkS|ksfxd if"k{k.k foHkkx½]
             fgekpy insz'k Ijdkj

½Rk½   xouj ckMZ dsv/;{k }kjk ukefunsf"kr &lnL;(vk§
          fd, tkusokyk xouj ckMZ dk ,d
          lnL;] vk§

¼3½   fu;a=d ¼foRr½] foRr lfefr dk lnL;
          Lkfpo gksxk A

½2½ foÙk lfefr] xouj ckMZ dks lseLr foRrh; ekeyksa ij lykg nsxh
vk§ mldh fuEufyf[kr "kfDr;ka gksxh&&

¼d½ fo"ofo|ky; ds okf"kd ys[kkvksa dh ijh{kk djuk vk§ mu lkj
     ckMZ dks lykg nsuk(

¼[k½ okf"kd iaDdyukvksa dh ijh{kk djuk vk§ ckMZ dks lykg nsuk (

¼x½ okf"kd lai jh{kk fjiksVZ vk§ d`r dkjckbZ fjiksVZ dh ijh{kk
     djuk(

½Rk½ fo"ofo|ky; dh foRrh; fLFkfr dk iuoyksdu djuk (vk§

¼3½ fo"ofo|ky; dsfoRr iksk.k ls lEcfU/kr leLr Ekkeyksa ij
     fo"ofo|ky; dksfl Qkj"ksa djuk A

23- ¼1½ p;u lfefr fuEufyf[kr ls xfBr gksxh %&   p;u
                                                                        lfefrA

¼d½ dqyifr   &   v/;{k(

¼[k½ jftLVªkj   &   lnL;(

¼x½ lEc} lpdk;k?;{k½½Mhu½   &   lnL;(

½Rk½ dqykf/kifr }kjk ukefunsf"kr ,d   &   lnL;(vk§
     0;fDr] tksfo"ofo|ky; ds v/khu dksbZ
     ykHk dk in /kkj.k u dj jgk gks§ vk§
     tks lEc} fo'k; ea fo"ksk Kku j[krk gksA

¼2½ rhu lnL;ksa ftuesa ls de ls de nks 0;fDr l Ec} fo'k; esafo"k\ksk Kku
j[kusokys gksaxs] ls p;u l fefr dh c\Bd dsfy] x.kifr z gksxh A

24- ¼1½   p;u l fefr] dk;Zdkjh ifj'kn-dksfo"ofo|ky; dsvf/kdkfj;ka
,oadeZpkfj;ka dh fu;qfDr grq0;fDr;ka dsp;u dsekeyka ea viuh fl Qkfj"ka
djxh vkSj ,sl p;uka dh ifdz;k vkSj i}fr grq0;oLFkk Hkh djxh A

¼2½   ;fn dk;Zdkjh l fefr] p;u l fefr dh fl Qkfj"kka dks Lohdkj
ughadjrh g§ rks ;g fl Qkfj"kka dksdkj.kals fgr iqufoZpkj grqokfpl Hkstxh
vkSj ;fn dk;Zdkjhl fefr] p;u l fefr dsiqufoZpkjr fopkjka dksLohdkj ugha
djrh g§ rksekeys dksdkj.kals fgr dqykf/kifr dksfufnZV fd;k tk,xk] vkSj
mlij dqykf/kifr dk fofu"p; vfre gksxk A

25- ¼1½ fo"ofo|ky; ds iR;sd vf/kdkjh vkSj deZpkjh dks ,s lh
fu;qfDr ij] fu;qfDr ds ,s lfucU/kukarFkk "krksa t§ls fofgr dh tk,als ;Qr
fu;qfDr i= fn;k tk,xk A

¼2½   LFkkbZ fjfDr dsfo:} fu;qfDr fd;k x;k dksbZ vf/kdkjh ;k
deZpkjh] ,s lh fu;qfDr dh rkjh[k ls ,d o'kZ dh vof/k dsfy, lk/kkj.kr;k
ifjoh{kk ij jgsxk vkSj ifjoh{kk dh ,s lh vof/k] fo"ofo|ky; ds fu;qfDr
ikfèkdkjh dsfooodkf/kdkj ij ,d o'kZ ls vuf/kd vkSj vof/k dsfy, c<kbZ tk
l dsxh A ifjoh{kk dh vof/k dsnkSjku ;fn fdl h le; ij] ifjoh{kk/khu 0;fDr
dk dk;Zl rkskikn ughaekuk tkrk g§ rksifjoh{kk/khu 0;fDr] l Ec) ikf/kdkj.k
¼vFkkfjVh½ }kjk mUeksfpr fd;k tk,xk A

ifjoh{kk dh vof/k dsl rkskikn l ekiu ij dkbZf"k{kd ;k dkbZ
vf/kdkfj;k ;k dkbZdeZpkjh] ;FkkfLFkfr] fo"ofo|ky; }kjk bl fufeRr fyf[kr
eafd, x, vkns'k }kjk mldh ifjoh{kk ij fu;qfDr dh rkjh[k ls iqiV fd;k
tk,xk vkSj ,s lh ifiV dk rF; l Ec) 0;fDr dks ls lafipr fd;k tk,xk%

ijURq ;fn] ifjoh{kk dh vof/k dsl ekiu ij ;fn ,s lh ifiV dks
dkbZHkh ,s lk vkns'k ifjoh{kk dh vof/k dsiwokZgksa dsnksekoel dsHkhrj
ughafd;k tkrk g§ tks l Ec} 0;fDr dks ls lafipr ughafd;k tkrk g§
rks ls lEc} 0;fDr ifjoh{kk ij mldh fu;qfDr dh rkjh[k ls iqiV gqvk
l e>k tk,xkA

26- fdl h Hkh vLFkk;h vf/kdkjh ;k de¡pkjh dh I pok,¡ ml vof/k vLFkk;Z
ftl dsfy, mlsfu;¡Dr fd;k x;k gŚdh I ekflr dsipdZ,d ekl dk ukŚV] vfekdkjh ;k
nusdsi"pkr~;k ml dscnyseamlsdekl dk oru dk Hkaxrku djusdsi pk dh
i"pkr~dsfl ok;] I ekflr ughadh tk,axh A I ekflrA

27- ;fn dkbZ iŕ'u mnHkwr ¼mRiUu½ gkrk gŚfd D;k dkbZ0;fDr fookdnA
fo"ofo|ky; dsfdl h i tf/kdj.k ;k fudak; dk I nL; I E;d~: Ik I sfu;¡Dr
;k fuokfpr gqvk gŚ;k I nL; gkusdk gdnkj gŚrksemkeysdksdyikf/ifr dks
I kft½k tk,xk ftI ij ml dk fofu'p; vfUre gksxk A

v/;k; &4

fo'ofo|ky; ds I eLr ilf/kdj.kka vk§ vU; fudk;ka dk
fofu;fer djus okys I k/kkj.k micU/k

28- dkbZ Hkh0;fDr] fo"ofo|ky; dsfdl h ilf/kdj.k ;k fudk; dk fujgrkA
I nL; ds: Ik eafuokÑpu ;k ukefunŕ'ku grq vfgŕ ughagksxk ;k ,slI nL;
ds: Ik eacuk ughajgxk ;fn og %&

¼d½ fodrfpr~gŚ;k xwxk gŚ;k

¼[k½ vufeekfpr fnokfy;k gŚ;k

¼x½ fdl h U;k;ky; }kjk ufŕd v/kerk I svUroïyr fdl h vijkék
dsfy, fl)nkśk Bgjk;k x;k gŚA

29- bl vf/kfu;e eavU;;= fdl h ckr dsgksrsgq, Hkh dkbZ0;fDr] vdkdfyd
;fn og v/;kiurj deipkjioln ¼LVkQQ½ dk I nL; @deipkjh gŚ] fu;fer v/;kiurj
orueku ij fu;¡Dr ughagqvk gŚ;k fdl h iwndkfyd v/;kiurj in ij u deipkjioln
gks rks og ernkrk ds: Ik eaukeksfdr gksus¡;k fo"ofo|ky; ds fdl h ¼LFkQÇ@deipkjh
ilf¢kdj.k ;k fudk; dsfuokÑpu eaernku djusvFkok fdl h ,Šsfudk; ;k dk ernkrk
ilf/kdj.k dsfy, ukefufnŻV fd, tkusgrqgdnkj ughagksxk A ds: i ea
vH;kof'kr
gksus;k uke
fufnŻ'kr gksus
dk gdnkj
u gksukA

Li"Vhdj.k&ßfu;fer oruekuÞ Is ,Šsk oru vfHkir gksxk Tkks
fo"ofo|ky; }kjk fofgr fdl h "krZ dsv/;k/khu] U;ure I svf/kdre rd
dkfyd oru of) ;ka }kjk c<+rk gksA

InL;kadh
inkof/kA

30- ¼1½ fo"ofo|ky; dsfdlh i<f/kdj.k ;k fudk; dk fuoki[pr ;k
ukefufnzV InL;] ;FkkfLFkfr] mldsfuoki[pu ;k ukefun*ku dh rkjh[k lspkj
o'kZ dh vof/k dsfy, in /kkj.k djsxk %

ijUrqbl vf/kfu;e dsv/khu iFkee fuoki[pu ;k uke& fun*ku
dh ckcr] pkj o'kZ dh mDr vof/k ,s lsfuoki[pu ;k ukefun*ku ds
lk"pkr~gbpZ iitfekdj.k ;k fudk; dh iFke cBd dh rkjh[k lsvkjEHk
gkxsh A

¼2½ le; ds0;frdze }kjk 0;puUu gbpZ fjfDr;kadksHkjus dsfy,]
fo"ofo|ky; dsfdlh iuf/kdj.k ;k fudk; dsin¿ InL;ka lsfHkUu]
InL;kadh inkof/k tksmDr inkof/k dsvolku vk§ ,s lsif/kdj.k ;k
fudk; dsu, InL;kadsfuoki[pu dse/; 0;ixr gk§ lfEefyr dh xbZekuh
tk,xh%

ijUrqtc fuoki[pu ,d lsvf/kd rkjh[k dksvk;ksftr gkrsg$jrks
bl /kkjk dsiz;kstukadsfy,] ,s h rkjh[kkadh vfUre rkjh[k fuoki[pu
dh rkjh[k ekuh tk,xh A

¼3½ fdlh vkdfLed fjfDr dksHkjusgrqdkbZfuoki[pr ;k ukefufnzV
InL;] InL; dsin dh vuofIr vof/k dsHkkkx dsfy, in xg.k djsxk
ftldsLFkku ij og fuoki[pr ;k ukefufnzV gqvk gSA

dfri;
ekeykae¡
InL;rk dh
lekfIrA

31- ¼1½ tc dkbZ0;fDr] fdlh iaf/kdj.k ;k fudk; ea mldh
InL;rk ds QyLo:i] fo"ofo|ky; dsfdlh iaf/kdj.k ;k fudk; dk
InL; cuusdsfy, vfgZr g§rksog fo"ofo|ky; dsiaf/kdj.k ;kfudk; dk
InL; ughajg tk,xk tc og ,s lsvU; iaf/kdj.k ;k fudk; dk Hkh InL;
ughajg tkrk gSA

¼2½ tc dkbZ0;fDr fdlh fuoki[pu {ks= lsfo"ofo|ky; ds fdlh
iaf/kdj.k ;k fudk; dsInL; ds: lk ea fuoki[pr ;k ukefufnzV gkrk g§rks
og ,slk InL; ughacuk jgxk tc mldk lEcU/k ml fuoki[pu {ks= lslekIr
gks tkrk gSA

32- ¼1½ fo"ofo|ky; dsfdllh ikf/kdj.k ;k fudk; dsfuokͿpr ǀnL;kaealsdkbϤvkdfLled fjfDr] ,ǀh jhfr vkͿ ,ǀsle; dsHkhhrj Hkjh tk,xhͿ tΧkmsϤ ǀnL; dsfgrkaedk ifrfuf/kRo djusokys,ǀsikf/kdj.k ;k 0;f"V fudk; }kjk fuokͿpu }kjk fofgr fd;k tk, ftl dk LFkku fjDr gμvk gΧ ifrfuf/kRo djrkͿA

¼2½ fo"ofo|ky; dsfdllh ikf/kdj.k ;k fudk; dsukefufnΗV ǀnL;kaedh dkbϤfjfDr ,ǀsle; dsHkhhrj Hkjh tk,xh tΧh ,ǀs0;fDr ;k ikfèkdj.k }kjk uke funϤ͛ku }kjk fofgr dh tk, ftlusmlǀnL; dks ukefufnΗV fd;k Fkk ftl dk LFkku fjDr gμvk gΧA

¼3½ le; ds0;frdesͤ}kjk fo"ofo|ky; dsfdllh ikf/kdj.k ;k fudk; dsfuokͿpr ǀnLsLFkkukauk¼lhVΒes0;fͤllu gμbϤfjfDr;kϡ N%ekl dsvi"pkr~;k fjfDr;ka0;frΒllu gkusdh rkjh[kͿ tksdμyifr fu;r djͿjls,ǀh foLrkfjr vof/k] tksdμykf/kifr }kjk bl fufeÙk fd, x, vkns'k }kjk fofufnΗV dh tk,] ,ǀh rkjh[k ;k rkjh[kkadksfuokͿpu }kjk Hkjh tk,xhͿA

33- fo"ofo|ky; ;k fo"ofo|ky; dsfdllh ikf/kdj.k ;k fudk; dk dkbϤHkh dR; ;k dkjβkfg;kaek=Bl dslnL;kadse/; fjfDr ;k fjfDr;kads fo|eku jgusvFkok lnL;kaealsfdllh dsfuokͿpu dh vfof/kekUͿrk dsdkj.k vfof/kekUͿ; ughale>h tk,xhͿA

Li"Vhdj.k& "kadk dksnμj djusdsfy,] ;g ,rn}kjk ?kkf'kr fd;k tkrk gΧfd tgkafo"ofo|ky; dsfdllh ikf/kdj.k ;k fudk; dsfdllh lnL;; dk in] tc ,ǀk ikf/kdj.k ;k fudk; iFke ckj dsfy, xfBr gμvk gΧfdllh fuokͿpu ;k fu;μfͤDr dsdkj.k fdllh lͤ/; dkj.k dsu gkrsgμq Hkjk ughatk ldrk gΧokgka,ǀs lnL; dsinekufjDr gkuk le>k tk,xk tc rd fd ,ǀk fuokͿpu ughagksstkrk ;k ,ǀh fu;μfͤDr ughadj nh tkrhͿA

34- ¼1½,d fuokͿpu vf/kdj.k gksxk ftlsdkbϤHkhh ,ǀk iͭu fufnΗV fd;k tk,xk tksbl ckjjseamnHkur gkrk gksfd D;k dkbϤ0;fͤDr fuokͿpu ;k ukefufnΗ͛ku dsfy, ik=~ gΧ;k lE;d~:lk lfuokͿpr vFkok ukefufnΗV gμvk gΧ;k fo"ofo|ky; dsfdllh ikf/kdj.k ;k fudk; dk lnL; cuusdsfy, gdnkj gΧ;k ughavͿj ,ǀsiͭu ij fuokͿpu vf/kdj.k dk fofuf"p; vͤfre gksxk A

½2½ fuoklkpu vf/kdkj.k dk xBu ¼1 fo/kku½ ,d k gksxsk t§k ifjfu;eka }kjk fofgr fd;k tk, A

½3½ ;fn] fo"ofo|ky; dsfdll h ikf/kdkj.k ;k fudk; dsl nL;ka ds fuoklkpu dh ifØ;k ¼izxfr½ dsnk§jku] fuoklkpu vf/kdkj.k dk l ek/kku gkstkrk g§fd ,d k fuoklkpu diV ;k Hkz/V vkpj.k }kjk nf"kr gqvk g§rks fuoklkpu vfèkdj.k bl vf/kfu;e vk§j ifjfu;e rFkk rn/khu cuk, x, fofu;eka ds vuq{kj ,d sfuoklkpu ;k bl dsfdll hHkkx dh ckor dk;ökfdg;kadk ckryhdj.k djusdk vkns"k dj l dxsk vk§j ubZdkjbökfg;kadksml Lrj lsvkjEHk djus grqfufnZV djusdk vkns"k nsl dxsk t§h fd ml vkns"k ea fofufnZV dh tk,a vk§j fuoklkpu vf/kdkj.k dk ,d k vkns"k vfire gksxk A

¼4½ fuoklkpu vf/kdkj.k dsfdll h fofu"p; ;k vkns"k dsfo:) fdll h fl foy U;k;ky; ea dkbözokn ;k vU; fof/kd dk;öakgh ughaykbZtk,xh A

35- dk;öakjkjh ifj'kn] xonq̀j ckM}] ifj'knka;k fo"ofo|ky; dsfdll h vU; ikf/kdkj.k ;k fudk; dh cBd eäcBd dh v/;{krk djusokyk 0;fDr iFkerk%ernku ughadjsxk] ijUrqerkadh cjkcjh dh n"kk eam l dk fu.kkZ;d er gksxk vk§j og ml dk iz;kx djxkA

<div align="center">

v/;k; &5
fo'ofo|ky; dh fuf/k;ka y§[k] y§[kk ijh{kk vk§j fujh{k.k

</div>

36- ¼1½ fo"ofo|ky; dh ,d fuf/k gksxh] ftl sfo"ofo|ky; fuf/k ds uke l stkuk tk,xk] ftl eaQhl] tekZuka vfHknku;ka nkuka __.kka vk§j vfxeka rFkk fdll hHkh vU; l|srka l siklr bl dh leLr vk; tek dh tk,xh A

½2½ fo"ofo|ky;] bl vf/kfu;e }kjk ;k dsv/khu foU;klkjkt U;kl ka ;k fofufnZV vunku ;k vU; fo"kšk iz;kstuka dsfy, vunkukadsiz'kkl u grq iFkd fo"kšk fuf/k;ka dk l`tu Hkh dj l dxk A

37- ¼1½ fdll hfoRrh; o'kZ dsfy, fofHkUu y§[kkvka ij fo"ofo|ky; dh ikflr;ka vk§j 0;; n"kkZrsgq fo"ofo|ky; dk ctV ,d sik:Ik ea t§h jkT; l jdkj }kjk fofufnZV fd;k tk,] ,d sfoRrh; o'k dsikjEHk l sde l sde pkj ekl iwoZ vuqeknu grqjkT; l jdkj dks iLrqr fd;k tk,xk A

½2½ jkT; ljdkj] ml foRrh; o'k] ftl lsctV l EcfU/kr g$ dsiljjEHk
gkus ls de ls de nks ekl iwoZ ctV ij viuk vuqeknu ;k vU;Fkk
fo"ofo|ky; dkslsdfpr djxh %

ijUrqjkT; ljdkj] fo"ofo|ky; dksctV dsvuqekfnr gkus
rd 0;; mixr djusdsfy, vuqku tkjh Vfuef)r½ djxh A

½3½ bl vf/kfue; eavUrfoZ"V fdlh ckr ds ifrdwy gkrsgq, Hkh]
fo"ofo|ky;] jkT; ljdkj dsiwoZ vuqeknu ds fLok;] fdlh Hkh y[ksij
dkbZ Hkh 0;;] ctV eaml y[ksij fofufnZ"V jkf"k ls vf/kd mixr ugha
djxkA

ijUrq;fn ,slk 0;; fo"ofo|ky; viusLo;adsl k/kuka ls iwjk
djrk g$] rksctV eamicfU/kr u dh xbZfdlh Hkh Ldhe ij fdlh 0;;
dh ckor ,slk dkbZiwoZ vuqeknu vko";d ughagksxk A

38- fo"ofo|ky; }kjk viusf"k{kdklj vf/kdkfj;ks;k dep;kfj;ksdh   vf/kdnk;h
ilfojo/kk gsrqlfiLFkr dkbZ vfHkdnk;h Hkfo"; fuf/k] Hkfo"; fuf/k vf/kfu;e ds   Hkfo"; fufèkA
micU/kka}kjk fofu;fer dh tk,xh] ekuka,slh fuf/k dkbZ vfHkdnk;h Hkfo"; fuf;k fufèk
gks vkS] dk;Zdkjh ifj"kn~dksfuf/k dsil'kkl u gsrq,slfu;e cukusdh "kfDr
gksxh tksml vf/kfu;e dsmicU/kka ls vlaxr u gksA

39- ½1½ jkT; ljdkj dks&   fujh{k.kA

½d½ fo"ofo|ky;] bl dsHkkouka iz;kstu"kkyksvkS iLrdky;kads lExgky;ka
iS LFkkiukvka dk;Z"kkyksvkavkS miLdjka(

½[k½ fo"ofo|ky; }kjk vuqjf{kr ;k l l Ec) fdlh egkfo|ky; ;k
l aLFkku(

½x½ fo"ofo|ky; dsleLr dk;Zdykika dk vkS fo"ofo|ky;
;k l aLFkku }kjk djok, ;k fd, x, ,sl svU; dk;ksZdk(
vkS

¼?k½ fo"ofo|ky; dh fdllh vk;] 0;;] l EifUk;ka ifjl EifUk;ka vk¡
nkf;Roka dk] vk¡ fo"ofo|ky; }kjk vuqjf{kr ;k l slEc} fdllh
egkfo|ky; ;k l sLFkku dk]

fujh{k.k djkus dk vf/kdkj gksxk tks ,s l s 0;fDr ;k 0;fDr;ka
}kjk fd;k tk,xk tSs ;sfufnZV djs(

¼2½ jkT; l jdkj] fujh{k.k ;k tkp ds ,s l s i R;sd ekeysea ,s l s
fujh{k.k ;k tkp djokus ds viusvk"k; dh iwnZl puk fo"ofo|ky; dkj} ;k
,s l s egkfo|ky; ;k l sLFkku dks nxh A

¼3½ jkT; l jdkj dk;Zdkjh ifj'kn~dks; k ;FkkfLFkfr] ,s l s egkfo|ky;
;k l sLFkk dks,s l sfujh{k.k ;k tkp ds ifj.kkekaij viusfopkj l sdfipr djxh
vk¡ ml ij dk;Zdkjh ifj'kn~dh;k ,s l s egkfo|ky; ;k l sLFkk dh jk; ij
fopkj djus ds i"pkr~fo"ofo|ky; ;k ,s l s egkfo|ky; ;k l sLFkk dk}
l fkcfèkr ekeysea ,s l h dkjZokbZ] ftl s jkT; l jdkj fo"ofo|ky; ;k ,s l s
egkfo|ky; ;k l sLFkk }kjk fd, tkus ds fy, mfpr l e>rh g$ ds ckjsea
l ykg ns l dxh vk¡ fo"ofo|ky; ;k ,s l k egkfo|ky; ;k l sLFkk] jkT;
l jdkj dh ,s l h l ykg dks iHkkoh djusgrqfo"ofo|ky; }kjk dh tkusokyh
iLrkfor dkjZokbZ dh fjikV jkT; l jdkj dks ,s l s l e;] t$k jkT; l jdkj
fufnZV dj] dsHkhrj djxhA

¼4½ jkT; l jdkj] mi/kkjk ¼3½ ea fufnZV fjik/k ij fopkj djus ds
i"pkr} ;FkkfLFkfr] fo"ofo|ky; ;k ,s l s egkfo|ky; ;k l sLFkk dks l Ecfll/kr
ekeysea ,s l h vk¡ dkjZokbZ t$h jkT; l jdkj dh jk; ea vko";d gks djus
dh l ykg ns l dxh] vk¡ fo"ofo|ky; ;k ,s l k egkfo|ky; ;k l sLFkk] ,s l s
l e; dsHkhrj] tks jkT; l jdkj }kjk ml fufeRr fofufnZV fd;k tk,] ,s l h
vkxkeh dkjZokbZ djxk ;k djok,xk A

v/;k; &6
ifjfu;e] v/;knsk vk¡ fofu;eu

40- ¼1½ ifjfu;e bl vf/kfu;e dsmicU/kkadsv/;/khu fuEufyf[kr
l Hkh ;k buea l sfdUghafo'k;kadsfy, micU/k dj l dxh vFkkr~%&

¼d½ inkadh] fo"ofo|ky; dsvf/kdkfj;kadsinka ds: lk ea ?kkskk.kk(

a

¼[k½ fo"ofo|ky; dsikf/kdj.kka¼vFkkWUjfVt½ dh LFkkiuk (

¼x½ fo"ofo|ky; dsikf/kdj.kka¼vFkkWUjfVt½ dk xBu] "kfDr;kavkSj
  drO;] tgkard fd budsckjseavf/kfu;e eafofufunZV : ik Is
  micU/k ughafd;k x;k gS(

¼?k½ fo"ofo|ky; dsvf/kdkfj;ka dh "kfDr;ka] drO; vkSj Inkk ds
  fucU/ku vkSj "krastgkard fd budsckjsea vf/kfu;e ea
  fofufunZV : ik Ismicu/k ughafd;k x;k gS\$

¼³½ fo"ofo|ky; dh dk;Zdkjhh ifj'kn~vkSj vU; ikf/kdj.kka vkSj
  fudk;ka dk fuokZpu djokusgrqfu;e vkSj ifØ;k(

¼p½ fo"ofo|ky; dsvf/kdkfj;ka vkSj deZpkfj;ka dh fu;qfDr] mudh
  miyfC/k;kka] drO; vkSj Inkk dsfucU/ku vkSj "krastgkard fd
  budsckjsea vf/kfu;e ea fofufunZV : ik Ismicu/k ughafd;k
  x;k gS(

¼N½ ekudh mikf/k;ka rFkk fof"k'Vrkvkka ¼ Eeku½ Ifgr mikf/k;kka
  f[krkc ¼vkbiV½ fMIykekeka iek.k&i= vkSj vU; fo|k IEcU/kh
  mikf/k;ka iinku djusgrqnh{kkUr Iekjkg vk;kftr djuk(vkSj

¼t½ IeLr vU; fo'k;] tksbl vf/kfu;e dsv/khu ifjfu;eka }kjk
  fofgr fd,] tkusvif{kr gSa;k fofgr fd, tk Idxaa A

41- ¼1½ dk;Zdkjh ifj'kn~bl /kkjk eamicfU/kr jhfr eaifjfu;e cuk ifjfu;e
Idxha ;k bl dsIk"pkr~ ifjfu;ekadk Ia'kks/ku ;k fujlu dj Idxh A cukusdh 'kfDrA

  ijUrqdk;Zdkjh ifj'kn~fo"ofo|ky; dsfdIh fo|eku ikf/kdj.k
dh ikfLFkfr] "kfDr;ka ;k xBu ij ikko Mkyus okyk dkbZ ,Ik
ifjfu;e rc rd ughacuk,xh ;k ifjfu;e ea dkbZ Ia'kks/ku ugha
djxh] tc rd fd ,Is ikfekdj.k dksiLrko ij jak; vfHk0;Dr djus
dk voIj u nsfn;k x;k gksvkSj bl inkj vfHk0;Dr fdIh Hkh inkj
dh jk; fyf[kr : ik eagksxh vkSj mI ij dk;Zdkjh ifj'kn~}kjk fopkj
fd;k tk,xk A

½2½ iR;sd ifjfu;e ;k ifjfu;eksa esa ifjo/ku ;k ifjfu;ekdsfl h
I a'kksku ;k fujlu dsfy, dyxkf/kifr dk vuqeknu vii&{kr gksxk] tksml ij
viuh vuqefr nsl dsxk ;k vuqefr jksd l dsxk ;k ml sdk;Zdkjh ifj'kn~dks
vius lq-kokn l fgr iqfo 1kj dsfy, Hkst l dsxk A ;fn dk;Zdkjh ifj'kn~
bl dsmlh iz lk vkSj jhfr esaiq%ikfjr djrh gSvkSj ;fn dyxkf/kifr dk
lek/kku gks tkrk gSfd ;g fo"ofo|ky; dsfgr esaugha gSS rksog ,Sl s
ifjfu;e] l a'kksku ;k fujlu dksukemtij dj l dsxk A

½3½ fdlh u, ifjfuf;e ;k fo|eku ifjfu;e dks l a'kks/kr ;k
fujflr djusokysifjfu;e dksrc rd dksbZfof/kekU;rk ughagksxh] tc rd
fd ml sdyxkf/kfr }kjk vuqefr u nh xbZ ghksA

42- ½1½ bl vf/kfu;e vkSj ifjfu;ekas ds micU/kka ds v/;/khu]
vè;kn'k fuEufyf[kr I Hkh ;k fdUghafo'k;ksa ds fy, micU/k dj l dsxk]
vFkkZr~%&

¼d½ fo"ofo|ky; vkSj egkfo|ky;ka esaNk=ka dk ins'k vkSj bl : lk
esamudk ukekadu (

¼[k½ fo"ofo|ky; vkSj egkfo|ky;ka dsNk=ka dsfuokl dh "krasvkSj
vuq'kklu dsfu;e vkSj Nk= fuokl ½gky½ esafuokl grqQhl
dk mnxg.k (

¼x½ fo"ofo|ky; dsvf/kdkfj;ka vkSj deZpkfj;ka dh fu;qDr] mudh
miyfC/k;kamudsdrZ; vkSj mudh I sok dsvU; fucU/ku vkSj
"krZ tgkard fd ;sbl v/;kn'k ;k ifjfu;e esafofufnZV : lk
I smicU/kr ughafd, x, gSA

¼?k½ Nk=ka dk jftLVhdj.k(

¼³½ ijh{kdka dh fu"ludka½ajij l Vjt½] laoh{kdka vkSj ,Sl vU; 0;fDr;ka
tksijh{kk l sl Ec) gSdh fu;qDr] drZ] vkSj miyfC/k;ka(

¼p½ fo"ofo|ky; dsf"k{kdka vf/kdkfj;ka vkSj deZpkfj;ka dh iz froèkk
grqHkfo"; fuf/k ;k vU; fuf/k;ka l ifLFkr djuk (

¼N½ fo"ofo|ky; iqrdky;ka] ijh{kk gkyka vkSj vU; fo"ofo|ky;
     laLFkkvkadh LFkkiuk] j[k&j[kko vkSj icU/ku (

¼t½ fo"ofo|ky; }kjk LFkkfir vuqjf{kr vkSj icfU/kr I s vU;Fkk]
     iqrdky;ka] Nk=kokllka vkSj v/;;u laLFkkuka] vuq| U/kku vkSj
     fuokl dkeklU;rk (

¼>½ fo"ofo|ky; dkslins, QhI] tqekZuk vkSj vU; nq,kadk vfèkjksi.k
     vkSj olwyh (

¼¥½ foHkkxkV/;{kka l fgrr] fo"ofo|ky; ds vf/kdkfj;ka ds drZO; ,oa
     dRR; (

¼V½ nku] foU;kl vkSj midfr;ka dk icU/k djuk(

¼B½ v/;rkofRr;ka] ;k=k v/;rkofUk;ka] Nk=ofUk;ka v/;;uofUk;ka
     ofUkdka] othQk] Nk=&Igk;rk ofUk] ind vkSj ijLdkj] IfaLFkr
     djuk vkSj inku djuk (

¼M½ dUnh; ;k fdlh jkT; ;k fo"ofo|ky; vuqnku vk;kx dsmèkkkj
     I s vU;Fkk] vuqnku Lohdkj djus vkSj m/kkj yus ;k Lohdkj
     djusgrq ifdtz k (

¼k½ IeLr vU; fo'k;] tksbl vf/kfu;e ds;k ifjfu;eka ds v/khu]
     v/;ns'kka }kjk fofgr fd, tkus vif{kr gS;k fofgr fd, tk
     I dxa A

¼2½ v/;ns'k dk;Zdkjh ifj'kn~}kjk cuk, tk,xavkSj bl icdkj cuk,
x, v/;ns'kka dk fdlh Hkh I e; dk;Zdkjh ifj'kn }kjk] ifjfu;eka }kjk fofgr
jhfr ea la'kks/ku] fujlu ;k vfHko/ku fd;k tk I dxk (

¼3½ mi/kkjk ¼2½ ds v/khu v/;ns'kka dkslLa'kksku ;k fujlu dh rc rd
dkbZ fof/kekU;rk ughagksxh] tc rd fd mls jkT; I jdkj dsijke"kZ I s
dyykfiifr }kjk vuefr u nh xbZgksA

43- ¼1½ dk;Ädkjh ifj'kn~ dsykfk/kifkfr dh eatwjh lॷfo"ofof|ky; ls
lEc} lLeLr ekeyksadsckjsesbl vf/kfu;e] ifjfu;eka vkॶ v/;kns'kka ls
laxr fofu;e cuk ldxh A

¼2½ fof"k'Vr% vkॶ imZkkeh "kfDr dh 0;kidrk ij ifrdwy iॶkko
Mkysfcuk] ,Sl sfofu;e] fo"ofof|ky; dsikbf/kdj.kkadsl EcU/k eafuEufyf[kr
micU/k dj ldxa%&

¼d½ mudh cॹd esavuq(j.k dh tkusokyh ifØ;k vkॶ x.kifrZ ds
fy, vif'{kr lnL;kadh l{;k dksvf/kdfFkr djuk (

¼[k½ ,Sl sleLr ekey} ftudsfy, bl vf/kfu;e] ifjfu;eka;k
vè;kns'kkadsv/khu fofu;eka}kjk micU/k fd;k tkuk gॸ(

¼x½ dkbZ vU; ekeyk] tksdॵy fdl h ilf/kdj.k ls lEcfU/kr gkॶ
vkॶ ftl dsfy, bl vf/kfu;e] ifjfu;eka;k v/;kns'kka}kjk
micUॹk ughafd;k x;k gks(

¼?k½ bl dslnL;kadkscॹdkadh rkjh[kkavkॶ ml eal 0;ogॳr fd,
tkusokysdkjckj rFkk ,Sl h cॹd dh dk;Ôkfg;kadk vfHkys[k
j[kusdh lॶpuk ¼ukfॷVl½ nॶuk A

44- ¼1½ jkT; ljdkj bl vf/kfu;e dsmicU/kkadksdk;Ôfor djus
dsfy, jkti= esavf/klॶpuk }kjk fu;e cuk ldxhA

¼2½mi/kkjk ¼1½ dsvf/khu cuk, x, fu;e]jkti= esaimॶrhZ izdk"ku
dh "krॴ dsv/;/khu gkॶs A

¼3½bl vf/kfu;e dsv/khu cuk, x, iR;sd fu;e] mudsbl izdkj
cuk, tkusdslॶpkr];Fkk"kD; "kh?kॹ jkT; fo/kku lHkk dsle{k] tc og l=
esagksdॳy nl fnu dh vof/k dsfy,] tks,d l= esa;k nks;k vf/kd
vkuqॵfed l=kaesaiॳjh gksldxh] j[kstk,xavkॶ ;fn] ml l= dsftuesos
bl izdkj j[ksx, gka;k Bhd ckn dsl= dsvolku lsiॶ] jkT; fo/kku lHkk
fu;ekesadkbZmikU Urj.k djrh gॵ;k lger gkstkrh gॸfd fu;e ughacuk,

tkuspkfg,] rksrRi"pkr}-;FkkfLFkfr] ,Śsfu;e doy ,Śs mikUrfjr : lk ea
gh iHkkoh gksxa;k mudk dkbZiHkko ughagksxk] rFkkfi ,Śk dkbZHkkh mikUrj.k
;k ckfryhdj.k mI fu;e dsv/khu inZeadh xbZfdlh ckr dh fof/kekU;rk
ij dkbZifrdwy iHkko ughaMkysxk A

v/;k;&7
idh.kZ vkŚj vLFkk;h micU/k

45- ¼1½ dyifr bl vf/kfu;e dsmicU/kkadsv/;/khu] bl ds lh/ksiŔ;k;kstuA
iŕkkIfud fu;ă.k/khu] fo"ofo|ky; dsfdlh vf/kdkjh dksbl vf/kfu;e
ds v/khu ;k ds }kjk inRr ;k vf/kjksfir ,Śh "kfDr;ka ;k drŹ;ka dks
iŔ;k;kfŚtr dj I dxk tŚk fd ifjfu;eka}kjk fofgr fd;k tk, A

   ¼2½ bl vf/kfu;e dsmicU/kkadsv/;/khu] &

¼d½ dk;Zdkjh ifj"kn~bl vf/kfu;e ds v/khu ;k ds }kjk inÙk ;k
      vfèkjksfir viuh fdUghh "kfDr;ka ;k drŹ;kadksfuEufyf[kr dks
      iŔ;k;kfŚtr dj I dxh%&

      ¼i½ dyifr (;k
      ¼ii½ bl dsvius InL;kaea lsxfBr I fefr(;k
      ¼iii½ ifjfu;ekadsvudkj fu;Őr I fefr A
¼[k½ foÙk I fefr] bl vf/kfu;e dsv/khu ;k }kjk inRr ;k vfèkjksfir
      viuh fdUgha"kfDr;ka ;k drŹ;kadksfuEufyf[kr dksiŔ;k;kfŚtr
      dj I dxh%&

      ¼i½ dyifr (;k
      ¼ii½ bl dsvius InL;kaea lsxfBr I fefrA

46- fdlh egkfo|ky; dh I Ec}rk dh "krŕ,Śh gksxah tŚh fofgr dh I Ec}rk ds
tk,aA   fy, 'krŕ

47- Nk=] fo"ofo|ky; }kjk I fŚLFkr v/;;u dsfofHkUu ikB~;Øekads   ijh{kk,avkŚj
fy, iŚŚk grq ik= gkŚş vkŚj mudka;Fkkfofgr fofHkUu mikf/k;ka fMIkykeka insŚkA
ięk.k&i=kavkŚj vU; fof"k'Vrkvka¼I Eku½ ijh{kkvkaea insŚk fn;k tk,xkA

fofu; ekadk
lakkbku]
fujlu rFkk
ibrLiA

48- ¼1½ fo"ofo|ky; ds fofu;e jkT; ljdkj }kjk cuk, tk,axs vk§ jkti= eainkf"kr fd, tk,axs A

½2½ xoLuj ckM[] le; le; ij u, ;k vfrfjDr fofu;e cuk ldxsk ;k muea la"kkskbku ;k fujlu dj ldxsk %

ijUrq ;g fd xoLuj ckM½ rc rd fo"ofo|ky; ds fdlh fo|eku ibfekdj.k dh ibfLFkfr] "kfDr;ka ;k xBu dks ibHkkfor djus okys fofu;eea ea lakkbku dk ir: lk ibLrkfor ughadjxk] tc rd fd ,slsibf/kdj.k dks ibLrko ij jk; 0;Dr djus dk volj ipku ughafd;k x;k gksvk§ bl irdj 0;Dr dksbZjk; fyf[kr : lk eailkgksxh ;k xoLuj ckM½ }kjk bl ir fopkj fd;k tk,xkA

½3½ ir;sd u, fofu;e ;k fofu;ekeaifjo/kLu ;k fofu;ekeadks¾l lakkbku ;k fujlu dsfy, xoLuj ckM dk vuekenu vif{kr gksxk] tksbls vuekefdr dj ldxk] ukeataj dj ldxk ;k vkxkeh fopkjkFkZokilk dj ldxk A

okf"kd
fjiksVA

49- ¼1½ fo"ofo|ky; dh okf"kd fjiksVZr$kj dh tk,xh] ftlsxoLuj ckM dh okf"kd cBd ea,d h rkjh[k dks tksfofu;e }kjk fofgr dh tk,] ;k mlls iwoL] vuekenukFkZ ibLrqr fd;k tk,xk A

½2½ mi/kkjk ¼1½ dsv/khu xoLuj ckMdsibLrqr dh xbZokf"kd fjiksVZ dh ,d ifr] xoLuj ckM }kjk ml ij dh xbZfVIif.k;k¼;fn dksbZgksa¼ lfgr jkT; ljdkj dks ibLrqr dh tk,xh] ftls };Fkk"kh?kz jkT; fo/kku e.My ds le{ j[kk tk,xk A

okf"kd y§[kA

50- ¼1½ fo"ofo|ky; dsokf"kd y§ksvk§ ruyui= dk;Ldkjh ifj'kn~ dsfuns'kkaca dsv/khu r$kj fd, tk,axs vk§ jkT; ljdkj }kjk bl fufeÙk fof"k'V : lk IslIe; le; ij ibf/kdr fdlh vfHkdj.k.k ¼,stÚlh½ }kjk ir;sd o'kZea,d ckj vk§ iU½ng eghuka lsvuf/kd dsvUrjkykea ij lajhf{kr fd, tk,axs A

½2½ y§kk ijh{kk fjiksVZ lfgr okf"kd y§kkdh ,d ifr jkT; ljdkj dks ibLrqr dh tk,xh] ftls ;Fkk"kh?kz jkT; fo/kku e.My ds le{ j[kk tk,xkA

51- ;fn dkbZiz'u mRiUu gksrk gS fd D;k dkbZ0;fDr I E;d : lk ls ukefunsZ'kr ;k fu;qDr fd;k x;k gS ;k fo"ofo|ky; dsfdlh ikf/kdj.k ;k fudk; dk lnL; cuk, tkus dk gdnkj gS rks ,sl ekeyks dks dqykf/kifr dks Hkstk tk,xk ftl ij mldk fofu"p; vfUre gksxkA

52- fo"ofo|ky; dh LFkkiuk dsl EcU/k ea;k fo"ofo|ky; dsfdlh ikf/kdj.k dh iFke cBd dsl EcU/k ea;k vU;Fkk bl vf/kfu;e dsmicU/kka dksiFker% ikHkko h½dk;kZfUor½djusealkbZdfBukbZgksrh gSrks jkT; ljdkj fo"ofo|ky; dsfdlh ikf/kdj.k dksxfBr gkusl siwfdlh Hkh le;] vkns'k }kjk dkbZfu;qfDr dj ldxh ;k tgkard gksldsbl vf/kfu;e dsmicU½kka lsldqarj dkbZckr dj ldxh ftl lsbls,sk irhr gksfd bl vf/kfu;e ealmicfU/kr jhfr ealvko";d dkjksbkbZdj nh gSA

53- bl vf/kfu;e ea;k ifjfu;eka;k v/;kns'kkeafdlh ckr dsgksrs gq, Hkh] egkfo|ky; dk dkbZNk=] tksbl vf/kfu;e dsikjEHk gksusl sBhd iwZfgekpy ins'k fo"ofo|ky; f"keykeafdlh mikf/k] fMIyekek ;k iek.k&i= dsfy, v/;;ujr Fkk] dksfo"ofo|ky; }kjk viuh mikf/k] fMIyekek ;k iek.ki= dsikB;Øe dsiwkZ djus dsfy, vuKkr fd;k tk,xk] vkSj ;FkkfLFkfr] fo"ofo|ky; ;k egkfo|ky; fgekpy ins'k fo"ofo|ky; dh vè;;u fooj.k if=dk ¼iklLi)VI½dsvuqljj ,slsNk= dksvun';k dsfy, micU/k djxk vkSj mlsfo"ofo|ky; dh l Ec} ijh{kka eains'k djus dh vuefr nh tk,xh A

54- ;fn bl vf/kfu;e dsmicU/kka dks dk;kZfUor djus eadkbZ dfBukbZmRiUu gksrh gSrks jkT; ljdkj] jkti= fgekpy ins'k eaiksdf"kr 'kfDr vkns'k }kjk ,slsmicU/k dj ldxh] tksbl vf/kfuf;e dsmicU/kka lslaxr u gks vkSj tks,slh dfBukbZdksnwj djus dsiz;kstu grqblsvko";d irhr gks%

ijUrq ;g fd bl vf/kfu;e dsikjEHk gksusdsnkso"kZ dsvolku dslk"pkr~,sl k dkbZvkns'k ugha fn;k tk,xk A

mís;ka vkSj dkj.ka dk dFku

f'k{kk og cfju;knh dkjd gS tksekuo dspguk¼[kh fodkl esaegkoiurok/kaeffedk fuHkkrk gSA jkT; vkSj ns'k dh lkekftd&vkfFkZd ifjfLFkfr;ka½ f'k{kk dsfy, vkSj vf/kd /;ku nsus dh vi{kk djrh gSA fodkl dh xfr dksc<kok nusdsmís;; lvkSj vf/kd 'kS{kf.kd lLFkkukadkSj vk/kfjud vkSj ifj"dr lfo/kkvkalfgr [kksyuk vfuok;Z gSA iR;sd chrrs fnu ds lkFk&lkFk jkT; esalu, bathfu;fjax@0;kolkf;d egkfo|ky;ka@lLFkkvkavkfn dks[kksyuscdh vko';drk tkj icM+jgh gSA ns'k esavU; jkT;kadh rjg] lkslkbfV;ka vkSj iklbosaV i{kdkj] bathfu;fjax@0;kolkf;d egkfo|ky;@lLFkk,aLFkkfir djusdsfy, ljdkj dksiLrko ½fuonu ½dj jgh gSA cgqr lh jkT; ljdkjkjkjk rduhdh fo'ofo|ky; LFkkfir dj fn, gSA rduhdh fo'ofo|ky;kadh LFkkiuk djusdsfy, iR;sd iFkd ekeysea fo'ofo|ky; vuaeku vk;kx fofu;ekdsv/khu fo/kku ykukvi{kr gksxkA bl idkj ,d ,slk fo/kku ykukvfuok;Z le>k x;k gS tksrduhdh f"k{kk dsfy, rduhdh fo"ofo|ky; dh LFkkiuk djusdk micU/k djldxkA bl fy, ,d fo/kku vFkkr~fgekpy insk rduhdh fo"ofo|ky;] ¼LFkkiuk vkSj fofu;eu½ foksk;d] 2010 ykus dk fofu"p; fd;k x;k gS tks fo|eku ljdkjh vkSj iklbosaV bathfu;fjax egkfo|ky;ka@0;kolkf;d lLFkkvkadkslEc)rk inku djusvkSj dkml fyax djusrFkk miikf/k ds iek.ku@inku djusealeFkZ gksxk A

;g fo/ks;d mi;Dr mnns";kadh ifrZ dsfy, gSA

ujiUnz cjkxVk]
iHkkjh eU=h A

f'keyk

rkjh[k_____]2010

foRrh; Kkiu

bl fo/ks;d dsmicU/kka dsvf/kfu;fer fd, tkusij ifro"kZ yxHkx 3.71 djksM+#i, dk vukorhZ0;; rFkk 1.32 djksM+ #i, dk vkorhZ0;; vUroZyr gksxk A ;g jkf'k fgekpy inS'k rduhdh fo'ofo|ky; dksC;kt eDr m/kkj ds: i eanh tk,xh tksrhu cjkcj okf"kZd fd'rka ea ifrlnS; gksxhA bl fy, bl l sjkT; l jdkj ij dkbZ fdUh; nkf;Ro ughagksxk A

iR;k;kStr fo/kku lEcU/kh Kkiu

bl vf/kfu;e dsiz;kstukadksdk;kfUor djusdsfy, fo/ks;d dk [k.M 44 jkT; ljdkj dksfu;e cukusdsfy, l"kDr djrk gSvkS fo/ks;d ds[k.M 41, 42 vkS 43 dk;Zdkjh ifj"kn~dks dze"k: ifjfu;e v/;knS'k fofu;e cukusdsfy, l"kDr djrsgS"kfDr;kadk iLrkfor iR;k;kStu vfuok;Zl vkS l kekU; Lo: i dk gSA

Hkkjr dsl fo/kku dsvuPNn 207 dsv/khu jkT;iky dh fl Qkfj'ka A
¼Rkduhdh f'k{kk foHkkx ufLr l{;k: bZMh,u ¼WHb½, ¼4½ 25/2009½

fgekpy inS'k dh jkT;iky, fgekpy inS'k rduhdh fo'ofo|ky; (LFkkiuk vkS fofu;eu) fo/ks;d, 2010 dh fo'k; oLrqdksckjsealfipr fd, tkusdsi"pkr~Hkkjr dsl fo/kku ds vuPNn 207 dsv/khu ipkDr fo/ks;d dksfo/kku lHkk ea ij:LFkkfir djusvkS ml ij fopkj djus dh fl Qkfj"k djrh gSA

HIMACHAL PRADESH TECHNICAL UNIVERSITY (ESTABLISHMENT AND REGULATION) BILL, 2010

(As Introudced in the Legislative Assembly)

A

BILL

to provide for establishment, incorporation and regulation of Himachal Pradesh Technical University in the State for technical education and to regulate its functioning and for matters connected therewith or incidental thereto.

Be it enacted by the Legislative Assembly of Himachal Pradesh in the Sixty-first Year of the Republic of India as follows:—

CHAPTER—I

PRELIMINARY AND DEFINITIONS

Short title and commence-ment.

1. (1)   This Act may be called the Himachal Pradesh Technical University (Establishment and Regulation) Act, 2010.

(2)   It shall come into force on such date as the State Government may, by notification published in the Official Gazette, appoint.

Definitions.

2.   In this Act, unless the context otherwise requires,—

(*a*)   "College" means a college or an institution maintained by or admitted to the privileges of the University under this Act;

(*b*)   "convocation" means a meeting of the Executive Council for the purpose of conferring degrees, titles or other academic distinctions;

(*c*)   "employee" in relation to the University, means a person other than teacher or an officer employed by the University;

(*d*)   "financial year" means the year ending on the 31st day of March;

(*e*)   "Governor" means the Governor of Himachal Pradesh;

(*f*)   "hall" or "hostel " means a unit of residence of the students maintained by the University;

(*g*)   "institution" means a College, Research Organization or any other place, by whatever name called, for training, instruction, research or study;

(*h*)   "Member" means a member of the Board of Governors established under section 20 of this Act and includes its Chairman;

(*i*)   "Principal" means the head of a College (by whatever name called) and includes when there is no Principal, the person for the time being duly appointed, to act as Principal, and in the absence of Principal or the acting Principal, a Vice-Principal duly appointed as such;

(*j*)   "regulations " means the regulations of the University made under this Act;

(*k*)   "technical education" means the education in the subjects of Engineering Technologies, Information Technologies, sciences, management, pharmacy and architecture and such other subjects as may be deemed fit by the State Government from time to time;

(*l*)   "University" means the Himachal Pradesh Technical University, as incorporated under section 4 of this Act;

(*m*)   "non-teaching staff" means—

      (*i*)   "in relation to the University, the non-teaching staff, not holding any teaching post(including part- time teaching post), appointed or recognized as such by the University", and

(*ii*)   in relation to an affiliated College, the non –teaching staff, not holding any teaching post(including part-time teaching post), appointed or recognized by the University or appointed by such College, but does not include any librarian;

(*n*)   "prescribed" means prescribed by statutes or regulations made under this Act;

(*o*)   "statutes", "regulations", "rules" and "ordinances" means respectively, the statutes, regulations, rules and ordinances made under this Act; and

(*p*)   "State Government" means the Government of Himachal Pradesh.

CHAPTER—II

THE OBJECTS OF THE UNIVERSITY AND ITS OFFICERS

Objects of the University.

3.   The University shall inter alia have the following main objects, namely:—

(*a*)   to provide a system of technical education capable of responding to the changing requirements of technical manpower;

(*b*)   to bring about qualitative improvement in teaching and learning process;

(*c*)   to provide congenial environment for continuing education consultancy, and research and development activities;

(*d*)   to provide for mutual benefits and develop strong links with industry and to provide consultancy and testing services for

increase of internal resources of new industries and business organisations and motivate organizations for protection of intellectual property right;

(*e*)   to provide necessary help to the institutions to encourage entrepreneurship amongst students;

(*f*)   to maintain life time contact with alumni and develop alumni sponsored programmes;

(*g*)   to seek cooperation from national institutes for innovation in technology;

(*h*)   to develop excellent education atmosphere and students to keep live contact with institutes of international standard;

(*i*)   to provide instructions, teaching and training in higher education with a view to create higher level of intellectual abilities;

(*j*)   to establish facilities for education and training;

(*k*)   to carry out teaching, research, affiliation, examination and offer continuing education programme;

(*l*)   to create centres of excellence for research and development relevant to the needs of the State and for sharing knowledge and its applications;

(*m*)   to establish new institution, subjects to applicable rules and regulations and provide affiliation of Himachal Pradesh Technical University at Hamirpur;

(*n*)   to establish examination centre and award degrees to the students;

(*o*)   to confer degrees and other academic distinctions on the basis of examination or any such other method, while doing

so, the University shall ensure that the standards of degrees and other academic distinctions are not lower than those laid down by regulating bodies;

(*p*)   to develop and enhance multiple intelligences and promote creativity in the members of academic community;

(*q*)   to provide avenues for collaborative planning, both for short term and long- term institutional plans;

(*r*)   to provide the right kind of work ethos, professional expertise and leadership in all walks of life;

(*s*)   to provide world-class professional and inter-disciplinary courses that are application oriented;

(*t*)   to act as the fountainhead of all the Engineering Colleges in the State and centre of technical education in the State;

(*u*)   to conduct timely examinations and award degrees to candidates of all affiliated Engineering Colleges;

(*v*)   to provide opportunities for life long learning to all concerned;

(*w*)   to develop interact with national and international institutes, Universities and organizations for making Himachal Pradesh a preferred destinationfor teaching learning research, trade and business; and

(*x*)   to seek and cultivate new knowledge, to engage vigorously and fearlessly in the pursuit of growth through Research and Development activities, and to interpret all knowledge and beliefs in the light of new inventions and discoveries.

Incorpora-
tion.

4.   The first Chancellor and the first Vice-Chancellor of the University and the first members of the Board of Governors and the Academic Council and all persons who may hereafter become such officers or members so long as they continue to hold such office or membership are hereby

constituted by the "Himachal Pradesh Technical University" with headquarters at Hamirpur. The University shall have perpetual succession and a common seal with power to acquire, hold and dispose of property, and to contract, and may by the said name sue and be sued.

5. The University shall have the following powers and functions, namely:— *Powers and functions.*

(*a*) to affiliate any College/institution or centre with the approval of the State Government, subject to such conditions and restrictions as the State Government may impose;

(*b*) to hold examinations and to grant and confer degrees and other distinctions to and on persons who,—

    (*i*) have persued a course of study in the University or as prescribed by regulations and have passed the examinations prescribed by the University; and

    (*ii*) have carried on research as prescribed by the regulations;

(*c*) to make provisions for providing, upgrading and promoting technical education and training and research in technical education and to create entrepreneurship and a conducive environment for the pursuit of the technical education in close cooperation with industry;

(*d*) to generate and maintain resources through consultancy services, continuing education programs, national and international collaborations and transfer of intellectual property rights;

(*e*) to institute and confer degrees, awards, grades, credits and other academic distinctions;

(*f*) to provide for the degree equivalent or corresponding to the degree of other recognized Universities;

(*g*)   to take all necessary measures for setting up campuses;

(*h*)   to institute and confer honorary degrees as may be prescribed;

(*i*)   to institute and award scholarships to students as may be specified;

(*j*)   to take special measures for spreading educational facilities among the educationally backward strata of the society;

(*k*)   to encourage and promote sports and adventure activities;

(*l*)   to create technical, administrative, ministerial and other necessary posts and to make appointments thereto;

(*m*)   to provide consultancy services;

(*n*)   to frame statutes and regulations for carrying out the objects of the University in accordance with the provisions of the Act;

(*o*)   to encourage and promote co-curricular activities for personality development of the faculty, students and employees of the University;

(*p*)   to provide for dual degrees vis-à-vis other Universities on reciprocal basis within and outside the country as per instructions of the State Government, Government of India and University Grants Commission;

(*q*)   to make such provisions for integrated courses in different disciplines in the educational programmes of the University;

(*r*)   to set up Colleges, institutions, off-campus centres, off-shore campus and study centres, as per the instructions issued by the State Government, Central Government and University Grants Commission from time to time;

(*s*)   to receive donations, gifts and grants and to acquire hold, manage and dispose of any property, movable or immovable, including trust or endowed property within or outside Himachal Pradesh for the purpose and objects of the University and to invest funds in such manner as the University thinks fit;

(*t*)   to prescribed the fee structure for various courses from time to time as per provisions of the Act;

(*u*)   to demand and receive payments of such fees and other charges as may be specified from time to time;

(*v*)   to seek collaborations with other institutions on mutually acceptable terms and conditions;

(*w*)   to determine salaries, remunerations, honoraria to faculty and employees of the University in accordance with the norms, specified by the University Grants Commission and other regulatory bodies;

(*x*)   to regulate and enforce discipline among students and employees of the University and to take such disciplinary measures as may be deemed necessary;

(*y*)   to implement Right to Information Act,2005 in the University and its affiliating Institutes/Colleges;

(*z*)   to implement Himachal Pradesh Educational Institutions (Prohibition of Ragging) Act, 2009 in affiliating Institutes/ Colleges;

(*za*)   to establish and maintain linkage with industry and to promote interaction and enter into collaborative agreement with other University, research instructions and learned societies and industries around the world in matter that relates to the furtherance of the objective of the University;

(*zb*)   to promote creation of higher skilled manpower capable of contributing towards national development in general and development of industry based on modern technology in particular;

(*zc*)   to take appropriate measures for maintenance of standards and enhancement of quality in higher education;

(*zd*)   to withdraw or to cancel degrees or other academic distinctions under such conditions as may be prescribed by statutes and after giving the person affected a reasonable opportunity to present his case;

(*ze*)   to prescribe, subject to provisions of this Act, the terms and conditions of service, including the rules of conduct and discipline, and the emoluments for the posts of officers and employees of the University;

(*zf*)   to acquire, hold and dispose of property, movable or immovable and to make grants and advances for furthering its objects;

(*zg*)   to accept and administer gifts, endowments and to make grants and advances for furthering its objects;

(*zh*)   to accept grants and to raise loans or to accept loans from Central or any State Government or the University Grants Commission, and also from other resourses;

(*zi*)   to make appropriate measures for creation of an independent financial base of the University;

(*zj*)   to create fund out of donations and contributions from private sources with attendant obligations and engagements not inconsistent with the objects or standing of the University;

(*zk*)   to prescribe fees or other charges for examination and other purposes and to demand and receive the fees or other charges so prescribed;

(*zl*)   to make arrangements for promoting health and general welfare of the students and the employees of the University;

(*zm*)   to co-operate with any other University in and outside the country, authority or any public or private body having in view the promotion of purpose and objects similar to those of the University for such proposes as may be agreed upon, on such terms and conditions as may, from time to time, be specified;

(*zn*)   to provide for the printing of question papers and other works, which may be required by the University; and(zo) to do all such things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the University.

6.   (1) The territorial limits in which the University shall exercise powers and perform its duties shall be the whole of the State of Himachal Pradesh and other regions outside the State of Himachal Pradesh as may be decided by the Board of Governors from time to time subject to any regulation and statutes.   Territorial exercise of the powers.

(2)   Notwithstanding anything contained in any other law for the time being in force, any college imparting technical education and situated within the limits of the area specified under sub-section (I) shall, with effect from such date, as may be notified in this behalf by the State Government, be deemed to be associated with and admitted to the privileges of the University and shall cease to be associated in any way with, or be admitted to any privileges of, the Himachal Pradesh University, Shimla:

Provided that any student of any such college affiliated to the Himachal Pradesh University, Shimla before the said date, who was studying for any degree or diploma examination of the said University shall be permitted to complete his course in preparation thereof and the University shall hold for such students examination in accordance with the curricula of study in force in those Universities for such period, as may be prescribed by regulations.

Provided further that such student may, until any such examination is held by the University, be admitted to the examination of the said Universities and be conferred the degree, diploma or any other privileges of those Universities for which he qualifies on the result of such examination.

University open to all irrespective of religion, race, caste, sex or place of birth.

7. (1) No person shall be excluded from any office of the University or from membership of any of its authorities or from admission to any degree, diploma or other academic distinction or course of study on grounds only of religion, race, caste, sex, place of birth or any of them:

Provided that the University may maintain any college exclusively for women either for education or residence or, reserve for women or members of classes and communities which are educationally backward for purposes of admission as students in any college.

(2) It shall not be lawful for the University to impose on any person any test what so ever relating to religion, race, caste, sex, place of birth in order to entitle him to hold any post or any office in the University or to enjoy or exercise any privileges of the University or benefactions thereof.

Power of affiliations.

8. The University shall have power to affiliate or otherwise as its privilege to admit any other institution.

Officers of the University.

9. The following shall be the officers of the University, namely:—

(*a*) The Chancellor;

(*b*) The Vice-Chancellor;

(*c*) The Registrar;

(*d*) The Finance Officer; and

(*e*) Such other persons as may be declared by the statutes to be the officers of the University.

(2) The mode of appointments, terms and conditions of service and the functions of the officers of the University, other than the Chancellor, the Vice-Chancellor and the Registrar, shall be prescribed by regulations in so far as they are not provided herein.

10. (1) The Governor shall, by virtue of his office, be the The
Chancellor of the University. He shall be the head of the University and the Chancellor.
President of the Executive Council and shall, when present, preside over the
meeting of the Executive Council.

(2) The Chancellor shall exercise such powers as may be
conferred on him by or under the provisions of this Act.

(3) Where power is conferred upon the Chancellor to make
nominations to any authority or body of the University, the Chancellor shall,
to the extent necessary, nominate persons to represent interest not otherwise
adequately represented.

(4) Every proposal to confer any honorary degree shall be
subject to confirmation by the Chancellor.

11. (1) The Vice-Chancellor shall be appointed by the Chancellor The Vice-
from amongst distinguished persons in the field of technical education on the Chancellor.
advice of the State Government from the panel of persons recommended by
the Board of Governors through a Committee to be nominated by the Board
of Governors:

Provided that the first Vice-Chancellor of University shall be appointed
for a period of three years or till he attains the age of 65 years, whichever is
earlier, and shall, subject to the provisions of this section, be eligible for re-
appointment for a further period not exceeding three years by the State
Government to manage the day to day affairs of the University.

(2) The Vice-Chancellor shall be whole time officer of the
University and shall be paid from the University fund such salary and allowances
as the Chancellor may decide in consultation with the State Government and
Finance Department.

(3) The Chancellor shall determine the amount of remuneration
and other conditions of service of the Vice-Chancellor:

Provided that terms and conditions of service shall not be altered to
the disadvantage of the Vice-Chancellor during the term of office.

(4)   In case of illness or absence or leave of the Vice-Chancellor or in any other contingency, Registrar shall act as Vice-Chancellor of the University.

(5)   The Vice-Chancellor shall be Principal Executive and academic officer of the University and shall exercise general control over its affairs in accordance with the regulations and give effect to the decisions of the authorities of the University.

(6)   It shall be the duty of the Vice-Chancellor to ensure that the provisions of the Act and the regulations are strictly observed and he shall have all powers necessary for this purpose.

(7)   If, in the opinion of the Vice-Chancellor, an emergency has arisen which requires immediate action to be taken, the Vice-Chancellor shall take such action as he deems necessary and shall report the same for confirmation at the next meeting to the authority, which in the ordinary course, would have dealt with the matter:

Provided that where any such action taken by the Vice-Chancellor is not approved by the authority concerned he may refer that matter to the Chancellor whose decision thereon shall be final:

Provided further that where any such action taken by the Vice-Chancellor affects any person in the service of the University, such person shall be entitled to prefer, within thirty days from the date on which he receives notice of such action, an appeal to the Board of Governors.

(8)   The Vice-Chancellor shall exercise such other powers as may be prescribed by the regulations or statutes.

Powers and functions of the Vice-Chancellor.

12.   (1) The Vice-Chancellor shall, in the absence of the Chancellor, preside over the meeting of the Executive Council. He shall, by virtue of his office, be a member and the Chairman of the Board of Governors and the Academic Council for post-graduate and undergraduate studies and also the Chairman of any other authority or body of the University of which he may be member, but shall not be entitled to vote thereat.

(2)   The Vice-Chancellor shall have the powers to convene meeting of the Executive Council, the Board of Governors and of any other authorities or body of the University.

(3)   The Vice-Chancellor shall have the power to exercise general control and supervisions over all others officers of the University and over all teachers and employees of the University and generally over all the affairs of the University.

(4)   The Vice-Chancellor shall exercise such other powers, and discharge such other duties, as may be delegated to him by any authority or body of the University.

(5)   The Vice-Chancellor may take on behalf of the University such action as he may deem expedient in any matter which in his opinion, is either urgent or of an emergent nature and shall report the same for confirmation at the next meeting of the authority or body which, in the ordinary course, would have dealt with the matter:

Provided that if the action taken by the Vice-Chancellor is not approved by the authority or body concerned, the matter shall immediately be referred to the Chancellor whose decision thereon shall be final.

13.   (1)   The Registrar shall be whole time officer of the University and shall be appointed by the Board of Governors on the recommendation of a committee consisting of the Vice-Chancellor as Chairman, a nominee of the Chancellor, two nominees of the Board of Governors and a nominee of the State Government for a period of three years which may be extended by another term of three years. *The Registrar.*

(2)   The term and conditions of service of the Registrar shall be such as may be determined by the Board of Governors.

(3)   The Registrar shall be ex-officio-Secretary of the Board of Governors and the Academic Council.

14.   The Registrar shall—   *Powers and functions of Registrar.*

(a)   be custodian of the records, common seal and such other property of the University as the Board of Governors may commit to his charge;

(b) keep the minutes of all the meetings of the Board of Governors and the Academic Council;

(c) conduct the official correspondence of the Board of Governors and the Academic Council;

(d) arrange for and superintend the examination of the University;

(e) supply to the Chancellor copies of the agenda of the meetings of the authorities of the University as soon as they are issued and minutes of the meetings of the authorities ordinarily within a month of the holding of the meetings; and

(f) perform such other duties as may, from time to time, be assigned to him by the Vice-Chancellor or the Board of Governors of the University.

The Finance Officer.

15. (1) The Finance Officer shall be a whole time officer of the University and shall be appointed by the Board of Governors on the recommendation of a Committee consisting of Vice-Chancellor as the Chairman, two nominees of the Board of Governors, a nominee of the Chancellor and a nominee of the State Government for a period of three years which may be extended by another term of three years.

(2) The terms and conditions of service of the Finance Officer shall be such as may be determined by the Board of Governors.

(3) He shall, subject to the supervision, direction and control of the Vice-Chancellor and the Board of Governors, be in charge of administration of the funds, the finance, and the properties and assets of the University and of all trusts and endowments.

(4) He shall have special interest in the activities that aim at raising funds of the University and augmenting the resources of the University.

(5) He shall, subject to the provisions of this Act, have the power of supervision and control over all officers and employees serving in departments under his charge and shall exercise such disciplinary powers as may be conferred on him by or under this Act.

CHAPTER—III

AUTHORITIES OF THE UNIVERSITY

16.   The following shall be the authorities of the University,   Authorities
namely:—   of the
                                                                      University.

(*a*)   Executive Council;

(*b*)   Board of Governors;

(*c*)   Academic Council;

(*d*)   Finance Committee;

(*e*)   Selection Committee; and

(*f*)   Such other authorities as may be established under the
statutes.

17.   (1) The Executive Council shall consist of the following   The
members, namely:—   Executive
                                                                       Council.

Ex-Officio Members:—

(*a*)   The Chancellor;

(*b*)   The Vice-Chancellor;

(*c*)   The immediate preceding Vice-Chancellor;

(*d*)   The Secretary, Technical Education Department,
           Government of Himachal Pradesh, or his nominee
           not below the rank of Special Secretary to the
           Government of Himachal Pradesh;

(*e*)   The Secretary, Finance Department, Government
           of Himachal Pradesh, or his nominee not below the

rank of Special Secretary to the Government of Himachal Pradesh;

(*f*)   The Director, Department of Technical Education, Vocational & Industrial Training;

(*g*)   The Dean of Studies;

(*h*)   The Directors of School Education;

(*i*)   One nominee of University Grants Commission;

(*j*)   One nominee of All India Council for Technical Education;

(*k*)   Two Members of the Himachal Pradesh Legislative Assembly, elected by the Members of the Himachal Pradesh Legislative Assembly;

(*l*)   Two Professors respectively one each from National Institute of Technology Hamirpur andHimachal Pradesh University, Shimla;

(*m*)   Two members elected by the members of the non-teaching staff of the University from amongst themselves;

(*n*)   Two members elected by the officers and the supervisory staff of the University from amongst themselves;

(*o*)   Three persons to be nominated by the State Government to secure the representations of the professional, industrial, scientific, technical, academic and other learned societies;

(*p*)   Two persons to be nominated by the Chancellor; and

(q)   One elected member from the employees of the University by election.

(2)   All elections to the Executive Council shall be held in the manner prescribed by the statutes.

18.   (1) The Executive Council shall have the following powers and functions, namely:—

Power and Functions of the Executive Council.

(*a*)   to consider the annual report as prepared by the Board of Governors and to pass such resolution relating thereto as may be considered necessary;

(*b*)   to consider and advise on such other reports from the Board of Governors or any other body as may be placed before it;

(*c*)   to consider, and advise on, proposals from the Board of Governors for co-operation and collaboration with other Universities, institutions and educational authorities in matters that relate to or further the academic objectives of the University;

(*d*)   to consider the Annual Statement of Accounts and the Annual Financial Estimates approved by the Board of Governors and to pass such resolutions relating thereto as may be considered necessary.

           Provided that for the purpose of passing the resolution, modifying or rejecting any such Annual Financial Estimates, it shall be necessary for a majority of the total number of members of the Executive Council existing at the time to vote in favour of the resolutions;

(*e*)   to consider and suggest measures for the improvement of the administration and finances of the University, and generally for the furtherance of its objectives;

(*f*)   to establish departments, engineering colleges, polytechnics and centres of multidisciplinary research, libraries, laboratories, workshops and museums for study and research;

(*g*)   to create and institute with the approval of the State Government, post of officers and subordinate staff as may

be necessary for the establishment of University, centres, and libraries;

(*h*)   to institute fellowship, scholarship, studentship, stipend, bursaries, exhibitions, medals and prizes to be awarded out of the University Fund;

(*i*)   to institute degree, diploma, certificates and other academic distinction on person who—

(*i*)   have pursued prescribed courses of studies or have been exempted therefrom in the manner prescribed, and have passed such examination as may be prescribed; or

(*ii*)   have carried on research in accordance with such conditions as may prescribed; or

(*j*)   to withdraw or to cancel degree, diploma, certificates and other academic distinction under such conditions as may be prescribed by statutes and after giving the person affected a reasonable opportunity to present his case;

(*k*)   to confer honorary degree and other academic distinctions;

(*l*)   to make rules for the transaction of its own business; and

(*m*)   to exercise all other powers and perform all other functions conferred and imposed on the Executive Council by or under this Act.

Meeting of the Executive Council.   **19.**   (1) The Executive Council shall meet at least thrice in a financial year, other than for convocation, on dates to be fixed by the Vice-Chancellor. One of such meetings shall be held before March and shall be called the Annual Meeting. The Executive Council may also meet at such other times as it may, from time to time decide.

(2)   One third of the total number of members of the Executive Council shall be quorum for a meeting of the Executive Council:

Provided that such quorum shall not be required at a convocation meeting.

(3)   The Vice-Chancellor may, where he thinks fit, and shall, upon a requisition in writing signed by not less than fifty per cent of the total number of members of the Executive Council, convene a meeting of the Executive Council . A meeting on such requisition shall be held fifteen days of the receipt of the requisition by the Vice-Chancellor.

20.   (1) The Board of Governors shall consist of a Chairman, seven ex-officio members and four nominated members.

Board of Governors.

(2)   The Chairman of the Board of Governors shall be appointed by the Chancellor out of a panel of persons of national eminence in the field of Industry, Technology or Technical Education on the recommendation of the outgoing Chairman of the Board of Governors:

Provided that the first Board of Governors of the University shall be appointed by the State Government.

(3)   The term of appointment of the Chairman of the Board of Governors shall be for a period of three years and he shall be eligible for re-appointment for another term for the same period.

(4)   The Chairman of the Board of Governors shall ordinarily preside over the meetings of the Board of Governors and the convocation of the University in the absence of the Chancellor.

(5)   The Chancellor shall appoint the following members of the Board of Governors for a period of three years and they shall be eligible for re-appointment for another term of the same period, namely:—

(i)   Ex-Officio members:

(*a*)   Vice-Chancellor, Himachal Pradesh University Shimla;

(*b*)   Vice-Chancellor, Chaudhary Sarwan Kumar Himachal Pradesh Krishi Vishwavidyalaya (CSKHPKV Palampur);

(*c*)   Director of Indian Institute of Technology, Mandi;

(*d*)   Secretary to Government of Himachal Pradesh, Department of Technical Education, Vocational and Industrial Training;

(*e*)   Director, Technical Education, Vocational and Industrial Training;

(*f*)   Secretary (Finance) to the Government of Himachal Pradesh; and

(*g*)   Chairman of the North-West Committee, All India Council for Technical Education, Chandigarh.

(ii)   Nominated members:

(*a*)   one member from the eminent industrialists;

(*b*)   two eminent technologists; and

(*c*)   President of the Confederation of Indian Industry:

Provided that the Chancellor may, on the recommendations of the Vice-Chancellor, cancel membership of any person who ceases to hold office by virtue of which he became such a member.

(6)   When a vacancy occurs in the Board of Governors by resignation or death of a member or otherwise, the vacancy shall be filled in the manner provided by the Act:

Provided that the person who fills such vacancy shall hold office for the unexpired period of the term for which the person in whose place he becomes a member would have otherwise continued in office.

(7)   The Board of Governors shall be the supreme authority of the University and shall have the following powers and functions, namely:—

(*a*)   to superintend and control affairs of the University;

(*b*)   to recommend to the Chancellor, the appointment of the Vice-Chancellor from a panel of not less than three and not more than five persons of eminence from the fields of Industry/ Technology/Technical Education as prepared by a high- level "Committee" comprising three persons of eminence in the field of Industry/Technology/ Technical Education;

(*c*)   to recommend the emoluments and terms and conditions of service of the Vice-Chancellor;

(*d*)   to approve academic programmes;

(*e*)   to frame and approve rules and regulations of the University;

(*f*)   to create Departments/Centre/Colleges/Academic Council for running various academic programmes;

(*g*)   to create faculty and staff positions in University;

(*h*)   to approve the University budget;

(*i*)   to administer and control the funds of the University and to authorize the opening and operation of Bank Account;

(*j*)   to accept, transfer and otherwise control the moveable, immoveable and intellectual property of the University;

(*k*)   to decide upon the form and use of common seal of the University;

(*l*)   to appoint such committees as may be required for the efficient functioning of the University;

(*m*)   to approve the emoluments and terms and conditions of service of the faculty and staff of the University; and

(*n*)   to approve the emoluments and terms and conditions of service on contract.

(8)   An annual meeting of the Board of Governors shall be held on a date to be fixed by the Vice-Chancellor in consultation with the Chairman of the Board of Governors. In such annual meeting report of working of University during the previous year together with the statement of the receipts and expenditure, the balance sheet and financial estimates shall be presented.

(9)   Special meeting of the Board of Governors may be convened by the Chairman of the Board of Governors as and when necessary.

(10)   The member of the Board of Governors shall be entitled to such allowances if any, and the sitting fee from the University as may be provided in the regulations.

Academice Council.

21.   (1)   The Academic Council shall be the academic body of the University and shall, subject to the provisions of this Act and regulations have control and general regulations and be responsible for the maintenance of standard instructions, education and examination within the University and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by regulations. It shall have the right to advice the Board of Governors on all Academic matters.

(2)   The Academic Council shall consist of the following members, namely:—

(*a*)   Vice-Chancellor,   —   Chairman;

(*b*)   Dean,   —   Member;

(*c*)   Principal of colleges   —   Member;

(*d*)   One Heads of Department or one   —   Member; and
Professor of each department of
Government colleges, to be nominated
by the principals,

(e)   Eminent Industrialist,   —   Member:

Provided that the term of nominated members shall be three years.

22.   (1) The Finance Committee shall consist of the following Finance
Committee.
persons, namely:—

(*a*)   Vice-Chancellor,   —   Chairman;

(*b*)   The Secretary to the Government of   —   Member;
Himachal Pradesh, Department of
Finance or his representative;

(*c*)   The Secretary to the Government of   —   Member;
Himachal Pradesh, Department of
Technical Education, Vocational &
Industrial Training;

(*d*)   one member of the Board of Governors — Member; and
to be nominated by the Chairman of the
Board of Governors; and

(*e*)   The Controller of Finance shall be the —   Member.
Member Secretary of the Finance Committee.

(2)   The Finance Committee shall advise the Board of Governors
on all financial matters and shall have the powers,—

(*a*)   to examine the annual accounts of the University and to advise
the Board thereon;

(*b*)   to examine the annual budget estimates and to advise the
Board;

(*c*)   to examine the annual Audit Report and action taken report;

(*d*)   to review the financial position of the University; and

(*e*)   to make recommendations to the University on all matters
relating to the finances of the University.

Selection Committee.

23.   (1) The Selection Committee shall consist of,—

(*a*)	Vice-Chancellor	—	Chairman;
(*b*)	Registrar	—	Member;
(*c*)	Dean concerned	—	Members;
(*d*)	a person, not holding any office of profit under the University and having special knowledge in the subject concerned nominated by the Chancellor.	—	Members.

(2)   Three members, of which at least two shall be persons having special knowledge in the subject concerned, shall constitute quorum for a meeting of the Selection Committee.

Function of the Selection Committee.

24.   (1) The Selection Committee shall make its recommendations to the Executive Council in the matters of selection of persons for appointment of officers and employees of the University and also provide for procedure and method of such selections.

(2)   If the Executive Council does not accept the recommendation of Selection Committee, it shall refer the recommendation back to it with reasons for reconsideration and if the Executive Council does not accept the reconsidered views of the Selection Committee, the matter shall be referred to the Chancellor with reasons, and the decision of the Chancellor thereon shall be final.

Letter of appointment of officers and employees.

25.   (1)   Every officer and employee of the University shall, on appointment as such, be provided with a letter of appointment containing such terms and conditions of appointment as may be prescribed.

(2)   An officer or an employee appointed against a permanent vacancy shall be on probation ordinarily for a period of one year from the date of such appointment and such period of probation may at the discretion of the appointing authority of the University, be extended for a further period

not exceeding one year. If at any time during the period of probation, the probationer's work is not considered satisfactory, the probationer shall be discharged by the authority concerned.

(3)   On satisfactory completion of the period of probation, a teacher or an officer or an employee, as the case may be, shall be confirmed with effect from the date of his appointment on probation by an order in writing made by the University in this behalf and the fact of such confirmation shall be communicated to the person concerned:

Provided that if, on completion of the period of probation, no such order of confirmation is made and communicated to the person concerned within a period of two months of the completion of the period of probation, the person concerned shall be deemed to have been confirmed with effect from the date of his appointment on probation.

26.   The services of a temporary officer or employee shall not be terminated before the expiration of the period for which he is appointed, except after serving one month's notice or paying him one month's salary in lieu thereof. *Termination of service of temporary officer or employee.*

27.   If any question arises whether any person has been duly appointed or elected as, or is entitled to be, a member of any authority or other body of the University, the matter shall be referred to the Chancellor whose decision thereon shall be final. *Disputes.*

CHAPTER—IV

GENERAL PROVISIONS GOVERNING ALL AUTHORITIES AND OTHER BODIES OF THE UNIVERSITY

28.   No person shall be qualified for election or nomination as a member of any authority or body of the University or shall continue as such member if he,— *Disqualifications.*

(*a*)   is of unsound mind or a deep mute, or

(*b*)   is un-discharged insolvent, or

(*c*)   has been convicted by a court of law for an offence involving moral turpitude.

Part time non-teaching staff/ employee not to be entitled to be enrolled as voters or to be nominated.   **29.**   Notwithstanding anything contained elsewhere in this Act, no person shall, if he is a member of non-teaching staff/employee, not appointed on a regular scale of pay or not holding any whole time non-teaching post, be entitled to be enrolled as a voter for, or to cast his vote at, an election to any authority or body of the University or to be nominated to any such authority or body.

Explanation.—"regular scale of pay" shall mean pay which, subject to any condition prescribed by the University rises by periodical increments from a nomination to a maximum.

Term of office of members.   **30.**   (1) Elected or nominated member of any authority or body of the University shall hold office for a period of four years from the date of his election or nomination, as the case may be:

Provided that in respect of the first elections or nominations under this Act, the said period of four years shall commence from the date of the first meeting of the authority or body held after such elections or nominations.

(2)   The term of office of members other than ex- officio-members of any authority or body of the University shall be held to include any period which may elapse between the expiry of the said term and the date of election of new members to such authority or body to fill vacancies arising by efflux of time:

Provided that when elections are held on more than one date, the last of such dates shall be taken to be the date of election for the purposes of this section.

(3)   Any member elected or nominated to fill a casual vacancy shall hold office for the unexpired period of the term of office of the member in whose seat he is so elected or nominated.

Cessation of membership in certain cases.   **31.**   (1)   When a person is qualified to be a member of any authority or body of the University by virtue of his membership of any other authority or body, he shall cease to be a member of the authority or body of

the University when he ceases to be member of such other authority or body.

(2)   When a person is elected or nominated as a member of any authority or body of the University from any constituency, he shall cease to be such a member when he ceases to belong to that constituency.

32.   (1)   Any casual vacancy among the elected members of any authority or body of the University shall be filed up, in such manner and within such time, as may be prescribed, by election by such authority or body of a person representing the interest which the member, whose seat has become vacant, represented.   *Filling up of vacancies.*

(2)   Any vacancy among the nominated members of any authority or body of the University shall be filled up, within such time as may be prescribed, by nomination by the person or authority that nominated the member whose seat has become vacant.

(3)   Vacancies arising by efflux of time in the seats of elected members of any authority or body of the University shall be filled up by election to be held on such date or dates, not later than six months or such extended period as the Chancellor may, by order made in this behalf, specify, from the date on which the vacancies arise, as the Vice-Chancellor may fix.

33.   No Act or proceedings of the University or of any authority or body of the University shall be deemed to be invalid merely by reason of the existence of a vacancy or vacancies among its members or the invalidity of the election of any of the members.   *Proceedings of the University or the authorities on body of the University not to be invalidated by vacancies.*

Explanation.—For the avoidance of doubt it is hereby declared that where the office of any member of any authority or body of the University cannot be filled up, when such authority or body is constituted for the first time, on account of any election or appointment not being for any reason feasible, there shall be deemed to be a vacancy in the office of such member until such election takes place or such appointment is made.

Election
Tribunal.

34. (1) There shall be an Election Tribunal to which shall be referred any question that may arise as to whether any person is eligible for election or nomination or has been duly elected or nominated as, or is entitled to be a member of any authority or body of the University, and the decision of the Election Tribunal on such question shall be final.

(2) The constitution of the Election Tribunal shall be such as may be prescribed by the statutes.

(3) If, during the progress of any election of members to any authority or body of the University, the Election Tribunal is satisfied that such election is vitiated by fraud or corrupt practices, the Election Tribunal may make an order annulling the proceedings in respect of such election or any part thereof and directing fresh proceedings to be started, in accordance with the provisions of this Act and the statutes, and the regulations made there under from such stage as may be specified in the order, and such order of the Election Tribunal shall be final.

(4) No suit or other legal proceedings shall lie in any civil court against a decision or an order of the Election Tribunal.

Casting
Vote by the
Chairman.

35. At a meeting of the Executive Council, the Board of Governors, the Councils or any other authority or body of the University, the person presiding at the meeting shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

CHAPTER—V

FUNDS OF THE UNIVERSITY, ACCOUNTS, AUDIT AND INSPECTION

The
University
Fund.

36. (1) The University shall have a fund to be known as the University Fund to which shall be credited all its income from fees, fines, contributions, donations, loans and advances and from any other source whatsoever.

(2)   The University may also create by or under this Act separate special funds for the administration of endowments, trust or specific grant or grants for other special purposes.

37.   (1)   The budget of the University showing the receipt and expenditure of the University on different accounts for a financial year shall be submitted to the State Government for approval at least four months before the beginning of such financial year in such form as may be specified by the State Government.

General limitations on financial powers of the Universiity.

(2)   The State Government shall, at least two months before beginning of the financial year to which the budget relates, communicate its approval or otherwise of the budget to the University:

Provided that the State Government shall release grants to the University to incur expenditure till the budget is approved.

(3)   Notwithstanding anything to the contrary contained in this Act, the University shall not, except with the prior approval of the State Government, incur any expenditure on any account to excess of the amount specified in the budget on that account:

Provided that no such prior approval shall be necessary in respect of any expenditure on any scheme not provided in the budget, if such expenditure is met by the University out of its own resources.

38.   Any Contributory Provident Fund instituted by the University for the benefit of its teachers, officers or employees shall be governed by the provisions of the Provident Funds Act, as if such fund were a Contributory Provident Fund and the Executive Council shall have power to frame rules, not inconsistent with the provisions of that Act, for the administration of the fund.

Contributory Provident Fund.

39.   (1) The State Government shall have the right to cause an inspection, to be made by such person or persons as it may direct,—

Inspection.

(*a*)   of the University, its buildings, laboratories, libraries, museums, press establishments, workshops and equipments;

(*b*)   of any college or institution maintained by, or affiliated to, the University;

(*c*)   of all affairs of the University, and of such other work, conducted or done by the University or the institution; and

(*d*)   of any income, expenditure, properties, assets and liabilities of the University, and of any college or institution maintained by or affiliated to the University.

(2)   The State Government shall, in every such case of inspection or enquiry, give previous notice to the University, or to such college or institution, of its intention to cause such inspection or enquiry.

(3)   The State Government shall communicate to the Executive Council or to such college or institution, as the case may be, its views on the results of such inspection or enquiry, and may, after considering the opinion of the Executive Council or of such college or institution, thereon, advise the University or such college or institution regarding the action which the State Government considers fit to be taken by the University or such college or institution in the matter concerned and the University or such college or institution shall report to the State Government within such time as the State Government may direct the action which is proposed to be taken by the University to give effect to such advice of the State Government.

(4)   The State Government may, after considering the report referred to in sub-section (3), advise the University or such college or institution, as the case may be, to take such further action in the matter concerned, as may, in the opinion of the State Government, be necessary, and the University or such college or institution shall take or cause to be taken such further action within such time as may be specified in that behalf by the State Government.

CHAPTER—VI

STATUTES, ORDINANCES AND REGULATIONS

Statutes.   **40.**   (1) Subject to the provisions of this Act, statutes may provide for all of any of the following matters, namely:—

(*a*)   the declaration of posts as posts of officers of the University;

(*b*)   the establishment of authorities of the University;

(*c*)   the constitution, powers and duties of the authorities of the University in so far as these have not been specifically provided for in this Act;

(*d*)   the powers, duties, and terms and conditions of service of the officers of the University in so far as these have not been specifically provided for in this Act;

(*e*)   the rules and procedure for holding elections to the Executive Council and other authorities and bodies of the University;

(*f*)   the appointment of officers and employees of the University, their emoluments, duties and terms and conditions of service in so far as these have not been specifically provided for in this Act;

(*g*)   the holding of convocations to confer degrees, titles, diplomas, certificates and other academic distinctions including honorary degrees and distinctions; and

(*h*)   All other matters which under this Act are required to be, or may be, prescribed by statutes.

41.   (1)   The Executive Council may, make statutes or may amend or repeal the statutes in the manner hereinafter provided in this section: Powers to make statutes.

Provided that the Executive Council shall not make any statutes or any amendment of a Statute affecting the status powers or constitution of any existing authority of the University, until such authority has been given an opportunity of expressing an opinion on the proposal, and any opinion so expressed shall be in writing and shall be considered by the Executive Council.

(2)   Every statute or addition to the statutes, or any amendment or repeal, of the statutes, shall require the approval of the Chancellor, who may assent thereto or withhold assent or remit to the Executive Council for reconsideration with his suggestions. In case the Executive Council passes it

again in the same form and manner and if the Chancellor is satisfied that it is not in the interests of the University, he may disallow such statutes, amendment or repeal.

(3) A new statute or a statute amending or repealing an existing statute shall have no validity unless it has been assented to by the Chancellor.

Ordinances.   **42.**   (1) Subject to the provisions of this Act and the statutes, ordinances may provide for all or any of the following matters, namely :—

(*a*)   the admission of students to the University and the colleges and their enrolment as such;

(*b*)   the conditions of residence and rules of discipline of the students of the University and the colleges and the levy of fees for residence in halls;

(*c*)   the appointment of officers and employees of the University, their emoluments, their duties and other terms and conditions of their service, in so far as these have not been specifically provided for in this ordinance or in the statutes;

(*d*)   the registration of students;

(*e*)   the appointment, duties and remuneration of examiners, paper setters, scrutineers and such other persons as are related to examination;

(*f*)   the institution of Provident Fund or other funds for the benefit of the teachers, officers and employees of the University;

(*g*)   the establishment, maintenance and management of University libraries, examination halls and other University institutions;

(*h*)   the recognition of libraries, hostels, and institutions for study, research and residence, other than those established, maintained and managed by the University;

(*i*)   the imposition and collection of fees, fines and other dues payable to the University;

(*j*)   the duties and functions of the officers of the University including the Heads of the Departments;

(*k*)   the administration of gifts, endowments and benefications;

(*l*)   the institution and award of fellowships, traveling fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes;

(*m*)   the procedure for accepting grants and for raising or accepting loans other than loans from the Central or any State Government or the University Grants Commission;

(*n*)   All other matters which under this Act or the statutes are required to be or may be prescribed by ordinances.

(2)   The ordinances shall be made by the Executive Council and the ordinances so made may be amended, repealed or added to at any time by the Executive Council in the manner prescribed by the statutes.

(3)   The amendments or the repeal of the ordinances under sub-section (2) shall have no validity unless it has been assented to by the Chancellor in consultation with the State Government.

43.   (1) The Executive Council may, with the sanction of the Chancellor, make regulations consistent with this Act, the statutes and the ordinances for all matters relating to the University. Regulations.

(2)   In particular and without prejudice to the generality of the foregoing powers, such regulations may, in relation to the authorities of the University, provide for,—

(*a*)   laying down the procedure to be followed at their meeting and number of members required to form quorum;

(b)   all matters which by this Act, the statutes, or the ordinances are to be provided by the regulations;

(*c*)   any other matter solely concerning any authority and not provided by this Act, the statutes and the ordinances; and

(*d*)   the giving of the notice to its members of the dates of the meetings and the business to be transacted there at and for the keeping of the record of the proceedings of such meeting.

Power to make Rules.

44.   (1) The State Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2)   Rules made under sub-section (1) shall be subject to the condition of previous publication in the Official Gazette.

(3)   Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly, while it is in session for a total period of ten days which may comprise in one session or in two or more successive sessions and if, before expiry of the session in which it is so laid or the successive sessions, aforesaid, the Legislative Assembly agrees in the making any modification in the rule or agrees that the rules should not be made, the rule shall, thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule.

CHAPTER—VII

MISCELLANEOUS AND TRANSITORY PROVISIONS

Delegation.

45.   (1) The Vice-Chancellor may, subject to the provisions of this Act, delegate such powers or duties conferred or imposed by or under this Act as may be prescribed by the statutes to an officer of the University under his direct administrative control.

(2)   Subject to the provisions of this Act,—

(*a*)   the Executive Council may delegate any of its powers or duties, conferred or imposed by or under this Act to—

(*i*)   the Vice-Chancellor ; or

(*ii*)   a committee constituted from amongs its own members ; or

(*iii*)   a committee appointed in accordance with the statutes.

(b)   The Finance Committee may delegate any of its powers or duties, conferred or imposed by or under this Act to—

(*i*)   the Vice-Chancellor; or

(*ii*)   a committee constituted from amongst its own members.

46.   The conditions of affiliation of a college shall be as may be prescribed.

Conditions for affiliation.

47.   Students shall be eligible for admission to the various courses of study instituted by the University and shall be admitted to examinations for various degrees, diplomas, certificates and other distinctions as may be prescribed.

Examina-tions and admissions.

48.   (1) The regulations of University shall be made by the State Government and notified in the Official Gazette.

Making amendment, repeal and operations of regulations.

(2)   The Board of Governors may, from time to time, make new or additional regulations or may amend or repeal the regulations:

Provided that the Board of Governors shall not propose the draft of amendment of the regulations affecting the status, powers, constitution of any existing authority of the University until such authority has been given an opportunity of expressing an opinion upon the proposal and any opinion so expressed shall be in writing and shall be considered by the Board of Governors.

(3)   Every new regulation or addition to the regulations or any amendment or repeal of a regulation shall require the approval of the Board of Governors who may approve, disallow or remit it for further consideration.

Annual report.

49.   (1)   The annual report of the University shall be prepared and submitted to the Board of Governors for approval at its annual meeting on or before such date as may be prescribed by regulations.

(2)   A copy of the annual report, as submitted to the Board of Governors under sub-section(1), alongwith the observations, if any, made by the Board of Governors thereon shall be submitted to the State Government, which shall, as soon as may be, cause the same to be laid before the State Legislature.

Annual accounts.

50.   (1) The annual accounts and balance sheet of the University shall be prepared under the directions of the Executive Council and shall, once at least every year and at intervals of not more than fifteen months, be audited by an agency specifically authorised in this behalf by the State Government from time to time.

(2)   A copy of the annual accounts together with the audit report, shall be submitted to the State Government, which shall, as soon as may be, cause the same to be laid before the State Legislature.

Disputes about constitution of authorities and bodies.

51.   If any question arises whether a person has been duly nominated or appointed or is entitled to be a member of any authority or body of the University, the matter shall be referred to the Chancellor whose decision thereon shall be final.

Powers and duties of the authorities of the University.

52.   If any difficulty arises with respect to the establishment of the University or in connection with the first meeting of any authority of the University or otherwise in first giving effect to the provisions of this Act, the State Government may, at any time, before any authority of the University has been constituted, by order make any appointment or do anything consistent so far as may be with the provisions of this Act, which appears to it necessary or where action had been made or taken in the manner provided in this Act.

53.   Notwithstanding anything contained in this Act, or in the   Transitory
statutes or ordinances, any student of a college who immediately before the   provisions.
commencement of this Act was studying for a degree, diploma or certificate
of the Himachal Pradesh University, Shimla, shall be permitted by the
University to complete his course for the degree, diploma, or certificate and
the University or the college, as the case may be, shall provide for the
instruction of such student in accordance with the prospectus of studies of
the Himachal Pradesh University, and he shall be admitted to the examination
concerned of the University.

54.   If any difficulty arises in giving effect to the provisions of this   Powers to
Act, the State Government may, by order published in the Official Gazette,   Remove
difficulties.
make such provisions, not inconsistent with the provisions of this Act as
appear to it to be necessary for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiry of two
years from the commencement of this Act.

STATEMENT OF OBJECTS AND REASONS

Education is the basic factor which plays a very important role in the all round development of human beings. The socio-economic conditions of the State and the country require more attention to education. With a view to accelerate the pace of development, it is imperative to open more educational institutions with modern and sophisticated facilities. With each passing day, the need for opening new Engineering/Professional Colleges/Institutions etc. is gaining momentum in the State. Like other States in the country, Societies and the private parties have been approaching the Government for establishing engineering/professional colleges/institutions. Many State Governments have set-up Technical Universities. Establishment of Technical Universities require seperate legislation in each case under the University Grants Commission Regulations. As such, it is considered essential to bring a legislation which may provide for establishment of technical university for technical education. Thus, it has been decided to bring a legislation *i.e.* the Himachal Pradesh Technical University (Establishment and Regulation) Bill, 2010 which will enable to give affiliation to the existing Government and Private Engineering Colleges/Professional institutions and to conduct counseling and certification/ award of degree.

This Bill seeks to achieve the aforesaid objectives.

NARENDER BRAGTA,
Minister-in-Charge.

SHIMLA:
The....................2010.

FINANCIAL MEMORANDUM

The provisions of the Bill, if enacted, shall involve approximately Rs. 3.71 crores as non-recurring expenditure and Rs. 1.32 crores recurring expenditure per annum. This amount shall be given as an interest free loan to the Himachal Pradesh Technical University repayble in three equal annual instalments. There shall, therefore, be no financial libality on the State Government.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 44 of the Bill seeks to empower the State Government to make rules and clauses 41, 42 and 43 of the Bill seeks to empower the Executive Council to make statutes, ordinances and regulations respectively   for carrying out provisions of this Act. The proposed delegation of powers are essential and normal in character.

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RECOMMENDATIONS OF THE GOVERNOR UNDER ARTICLE 207 OF THE CONSTITUTION OF INDIA

(Technical Education Department File No. EDN(TE) A(1)-25/2009)

The Governor, Himachal Pradesh, having been informed of the subject matter of Himachal Pradesh Technical University (Establishment and Regulation) Bill, 2010, recommends, under article 207 of the Constitution of India, the introduction and consideration of the aforesaid Bill in the Legislative Assembly.

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